

# The American Labor Legislation Review

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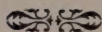
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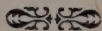
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**“PEOPLE** talk about agitators, but the only real agitator is injustice; and the only way is to correct the injustice and allay the agitation.”—SIR CHARLES NAPIER.



## Timely Topics

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**T**IMELY issues on the program for discussion at the Eighteenth Annual Meeting of the American Association for Labor Legislation at Chicago, December 28-30, include obstacles to protective labor legislation, relation of unemployment and old age to industry and charity, and effective operation of labor laws.

In the recent national and state elections, legislative policies and judicial decisions were widely discussed, and important referendums on labor measures were held in several states. Certain of the results—clearly the adverse votes on the child labor constitutional amendment in Massachusetts, on a proposed workmen's compensation law in Missouri and on the compulsory accident insurance law in Oregon—may be explained by the ruthless tactics of misrepresentation by a highly organized opposition. The trend of the moment makes it desirable to review and revalue the place of protective legislation in our increasingly complex industrial order. This will be done from a number of points of view at the Chicago meeting, including papers on such vital topics as the task of securing legal readjustments required by industrial changes; the adaptation of the law to changing economic conditions; inter-provincial or interstate cooperation in labor laws; authority of the court of last resort; the contribution of labor laws to industrial peace; legislative and administrative pitfalls, and propaganda methods of the opposition.

Sessions to be held jointly with the American Economic Association and the American Statistical Association will be given over to urgent problems of population and the labor supply and to the world-wide question of how far it is practicable to stabilize industry through stabilization of banking and credit operations.

Immediate legislative issues will be considered at the meeting, mainly as outlined on these pages of the September number of this REVIEW and on page 269 of the present number.

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Especial attention is called to the section on old age pension legislation elsewhere in this REVIEW. Newly-



acquired and exceedingly valuable information is here presented that is certain to have a helpful bearing upon the progress of old age assistance legislation in state after state. For one thing it shows conclusively that the cost of statewide old age pensions is less than the cost of the existing poorhouse system, thus laying low the chief "bogey" of the opposition.

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Continued progress is also noted (see page 278) in the installation by coal companies of rock dust in their mines to prevent coal dust explosions. Two years ago, when this Association opened its present campaign for the adoption of measures to prevent needless coal mine accidents, we were able to locate only three coal companies that were using rock dust. Our list now includes 37 companies that have been reported as having already partially or completely rock dusted a total of more than 100 mines, in addition to the coal companies in Utah all of which are now required by law to install rock dust.

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The educational campaign for the stabilization of employment continues to show encouraging results (note the most recent gains in unemployment insurance reported on page 311). A note of warning should be sounded, however, that much of this constructive work may for a time be set at naught if the wave of "business optimism" that immediately followed the election of November 4—typified by the sensational activity on the stock exchange—should continue, unchecked, into a period of over-inflation. It is well known that over-inflation leads inevitably to a depression and consequent unemployment.

JOHN B. ANDREWS, *Secretary*,  
American Association for Labor Legislation.

## Legislative Notes

ASSUMING that the child labor constitutional amendment will be ratified and the forty-eight hour week for women will be adopted in accordance with the campaign pledges of both parties in **New York State**, the American Association for Labor Legislation is calling especial attention to the pressing need for favorable action on the following measures: (1) in justice to the victims of occupational disease, the limited coverage of the workmen's compensation act should be extended to cover all such victims on a uniform basis; (2) the workmen's compensation act should be amended so as to remove the present discrimination against non-resident dependents of alien workers who are killed in the course of their employment in New York; (3) wards of the state who suffer permanent disabling injuries as a result of compulsory labor should upon their discharge receive accident compensation; (4) the licensing and inspection of fee-charging employment agencies should be by the state and not, as at present, by local authorities. ◇

IN the first eight months of 1924, according to the figures of the Pennsylvania workmen's compensation bureau, the number of **days lost from coal mine accidents** in that state alone reached the appalling total of 4,472,490. ◇

A RECENT special survey in Cleveland confirms the need of statewide **old age pensions**, according to a report by Homer Wickenden, of the City's Welfare Federation. In this city there are 16,800 persons sixty-five years of age or over who are unable to support themselves. Of these 940 are being cared for in 13 homes at a per capita cost of \$572, and 242 others are being pensioned in their own homes by private charity. Mr. Wickenden recommends the pensioning of the aged in their own homes and the construction of a 200-bed hospital for chronic invalids who are without caretakers. ◇

"THE Shame of Missouri" was again attested to in the election, November 4, when an initiated **workmen's compensation law** was defeated. In Oregon, too, a proposed constitutional amendment to make **workmen's compensation compulsory for hazardous occupations** was voted down in the election. The outstanding fact in both states is the unscrupulous campaign of misrepresentation resorted to by the highly organized opposition. Interested commercial insurance companies joined with certain groups of employers in the expensive enterprise of covering every inch of these states with gross misstatements as to the provisions of the proposed laws and unfounded claims as to compensation experience in America. The same ruthless tactics were employed



in Massachusetts (see page 320 of this REVIEW) in bringing about the defeat for the **child labor constitutional amendment**.



ARGUMENTS were made before the Supreme Court of Pennsylvania, November 28, on an appeal from the adverse action of a county court which recently held the **old age assistance act** unconstitutional. The court reserved decision.

COMMENTING on **coal mine disasters**, the editor of *Coal Age* pointedly remarks: "The ugly feature is that we have known how to forestall them for so many years and still the accidents happen."



CONSTITUTIONALITY of the Clayton act, granting trial by jury in all cases of contempt arising out of labor disputes, was upheld by the United States Supreme Court, October 20, in cases that came to the court as a result of the railroad shopmen's strike of 1922. The court laid down a rule that when persons are charged with having violated **injunctions** issued in connection with strikes a jury trial shall be accorded upon demand of the accused.



"We even find these radicals creeping into our colleges," declared Richard F. Grant, president of the Chamber of Commerce of the United States, in a recent address in which he touched upon "**unrest**" in this country. "I know some of them at Yale and, as far as I am concerned, I am going to start taking the bird seed out of them," said the present head of the nation's chambers of commerce.



At the convention of the American Federation of Labor, held in El Paso, Texas, in November, Samuel Gompers was unanimously reelected president. The convention voted continued support to the Fitzgerald bill to provide **accident compensation to workers in private employment in the District of Columbia** and to the campaign to secure ratification by the states of the **child labor amendment**. It reaffirmed its **non-partisan political policy** and took steps to **establish life insurance** for labor.



THE idea of automobile liability **insurance at actual cost in a state fund**, as recently proposed before an official investigating commission appointed by Governor Pinchot in Pennsylvania, plunges the *United States Review*—a weekly journal of insurance—into deep pessimism. It has visions of "the Russian mirage." It gloomily concedes that "insurance, as a business, unfortunately lends itself easily to the adoption by the state"—having in mind no doubt the admitted success of state funds for workmen's accident insurance in America. But it is the principle of the thing against which the *Review* would take a patriotic stand. "It is the cooperative principle," it mourns, "that is hostile to American methods." And solemn warning is given that any form of state insurance "conducted on cooperative theory for community protection without profit," is "obviously" a blow at our "form of government." Cooperative insurance under a compulsory law—"without profits," as visioned by this earnest spokesman for commercial insurance, is not a whit different at bottom than setting up our cities in the milk business!

THE Welfare Commission of California has established a **minimum wage** of \$16 for women employed in the laundry. Paul A. Sinsheimer of the Mercantile Trust Company, a member of the commission, dissented, holding that this figure is inadequate; that it should be not less than \$17 to \$17.50. "American industry," Commissioner Sinsheimer says, "does not ask for its profits at the expense of its womanhood. \* \* \* It is sincerely to be hoped that America may retain legislation to safeguard women and children in industry both as to hours and as to wages. \* \* \* The only right it abridges is the right to deny a living to the woman who must work and who is willing to work faithfully for a livelihood."



OF the 88,969 persons who received **old age pensions** in Denmark during the fiscal year 1922-23, 15,907 were under 65 years of age while 73,062 were 65 or over.



"WE have the highest ingenuity and efficiency in the operation of our industry and commerce of any nation in the world," writes Secretary of Commerce Herbert Hoover in his annual report, just issued. "Yet our economic machine is far from perfect. Wastes are legion. There are wastes which arise from wide-spread **unemployment** during depressions, and from speculation and over-production in booms; wastes attributable to labor turnover and the stress of labor conflicts; wastes due to intermittent and seasonal production, as in the coal and construction industries; vast wastes from strictures in commerce due to inadequate transportation, such as the lack of sufficient terminals; wastes caused by excessive variations in products; wastes in materials, arising from lack of efficient processes; wastes by fire; and wastes in human life."



THE General Electric Company is now added to the growing list of substantial industrial concerns that have put into effect well considered plans for **stabilizing employment**, including unemployment reserve funds. It was announced on November 7 that the General Electric Works at Schenectady had set aside \$2,000,000 to keep departments of the works in operation during the present slump in orders. Every department capable of producing goods for stock would be kept occupied under the plan, and the stock would be stored in various buildings at the plant. It was explained that while the company customarily produces only upon order, it has been decided to produce electrical apparatus and appliances for stock, to obviate the necessity of laying off thousands of employees.



IN **Poland** an **unemployment insurance act** which went into effect September 1, 1924, applies to all workers over 18 years of age in establishments which employ at least six workers. Insurance contributions are reckoned at 2 per cent of wages paid. Benefits paid are 30 per cent of the normal wage for a worker who supports himself alone; 35 per cent for a family of two; 40 per cent for a family of five, and 50 per cent for a family exceeding five.



FOLLOWING a study of 256 **coal mine explosions**, the United States Bureau of Mines finds that one contributing cause of these fatal disasters is a lack of sufficient men to make inspections for gases in the mines. The explosions occurred in a period of 15 years. They killed 4,413 men and injured 570 others. "One explosion, costing nearly 100 lives," says the bureau's report, "without doubt was indirectly caused by the evident inability of the fire



boss to inspect his section. In fact, it was stated at the time of the explosion that two fire bosses had formerly been employed for the same section." ◇

GOVERNOR PINCHOT, in a recent address, said that the reduction in **mine fatalities** during the present year in Pennsylvania is due to better inspection, made possible by his policy of placing state inspectors on a basis of efficiency rather than "politics." He pointed out that there were 120 less coal mine fatalities in Pennsylvania in the first nine months of 1924 than in the corresponding period of 1923. ◇

FOLLOWING a five-year investigation, the Russell Sage Foundation, in a report made public October 20, recommends the establishment of a **federal-state-local public employment service**. "The balance of weight," says the report, "belongs on the side of a combined federal-state-local administration." In this the Foundation's study strongly reaffirms the conclusion of the American Association for Labor Legislation as set forth ten years ago in its "standard recommendations for the relief and prevention of unemployment." Adoption of an adequate, permanent national-state employment service is, and has been since 1914, a foremost measure in the Association's legislative program to aid in stabilizing employment. ◇

TEN minute **rest periods** four times a day have been tried out in Philadelphia factories under the direction of Dr. Elton Mayo in the course of an investigation undertaken by the industrial research department of the University of Pennsylvania. Results have led to the belief that the plan would increase production and lower labor turnover. ◇

A NEW law providing several kinds of social insurance, including **maternity insurance**, recently went into effect in **Bulgaria**. It is compulsory for all manual workers and other employees in industrial and commercial establishments. Under maternity insurance all insured women are given medical or midwife's care and a cash benefit for twelve weeks amounting to 50-80 per cent of the salary. ◇

HENRY J. HARRIS, chief of the division of documents at the Library of Congress, died on October 10 after a brief illness. Dr. Harris, who was a member of the social insurance committee of the American Association for Labor Legislation, served with distinction for nearly a decade in the federal Department of Labor during which time he made several authoritative compilations, notably in the field of labor legislation. ◇

"WHEN it is known that most of the great mine disasters have been caused by **coal dust explosions** and the further fact that rock dust will prevent them it would seem to be a merciful thing to do to make it incumbent on mine owners to rock dust their mines."—*United Mine Workers Journal*. ◇

PLANS to **stabilize employment** in the railroad industry were discussed at a recent meeting of the executive committee of the Association of Railway Executives. The rail executives declared in favor of eliminating seasonal employment as far as possible. They favored methods for avoiding the reduction of forces and favored distributing expenditures more equally between the times of depression and prosperity. A committee was appointed



to study the problem, to confer with the interstate commerce commission, and to report "as soon as practicable."

◇

"At the last session of Congress the Fitzgerald-Jones bill to provide **workmen's accident insurance for private employments in the District of Columbia** failed of passage. This leaves 100,000 wage-earners in the District still without accident protection, a situation which the American Association for Labor Legislation quite properly calls a national disgrace. \* \* \* Congress, which legislates for the District of Columbia, ought to pass a compensation law at its next session."—*Rochester (N. Y.) Times Union*.

◇

At a recent meeting of the Pennsylvania bituminous mine inspectors called by J. J. Walsh, state secretary of mines, it was disclosed that mine inspectors of this state to a man are in favor of rock dusting. They, like others, see no other way to prevent **coal dust explosions**, having lost all faith in "watering" the mine, which method has proved deceptive and dangerous.

◇

RENTS for wage-earner's houses have increased slightly over 6 per cent in the period between July, 1923, and July, 1924, according to the National Industrial Conference Board, an organization of employers' associations. The board finds after a comprehensive survey of the rental situation in one hundred seventy-eight cities that compared with the rentals of ten years ago, **rents are 86 per cent higher**. This applies to accommodations of four and five unheated rooms with bath such as are usually occupied by wage-earners and does not relate to more expensive houses and apartments. Despite the fact that the increase in rents for the country as a whole in July, 1924, was 86 per cent higher than in 1914, the investigation by the board shows that there were sixty-nine cities which had a greater average increase than this and five cities where rents were 150 per cent higher than in 1914.

◇

DISCUSSING the eight-hour day at the 1924 meeting of the International Labor Conference, the French minister of labor said: "The **eight-hour day**, established in France by the act of April 23, 1919, has given valuable results. It is becoming more and more solidly based, not only on the text of an act which served as a model in drafting the Washington Convention, but upon an evolution in social habits and upon a systematic transformation in the methods of production. \* \* \* The eight-hour day is improving family life in France and has given a great impetus to those interesting forms of organization of social life which endeavor to improve the health of the workers by physical exercise, his knowledge by vocational and general instructions and by reading, and his intelligent recreation by the extension of musical and recreational societies."

◇

To forbid the exploitation of little children in the mills and factories is a "fatal tendency" and a "menace" to the country. That is what John E. Egerton told the recent general convention of the American Bankers' Association. Mr. Edgerton is president of the National Association of Manufacturers. He said: "One of the proposals which embody the evidence of these fatal tendencies is the so-called **child labor amendment**. It is meant to restrict production and compel uneconomic ad-

vances in wages and to expand the powers of the federal government so as to require the creation of more public offices and a further excuse for raising the cost of government." Already it is apparent that the nation's children must run a cruel gauntlet of selfish opposition by organized employers before their amendment is finally ratified by the state legislatures.



FURTHER hearings on **coal mine safety** will be held by the House committee on mines and mining when Congress reconvenes in December. The committee was unable to complete its inquiry before adjournment in June.



As an aid in surveying the extent and character of all diseases incident to industry in New York State, the Division of industrial hygiene of the state Department of Labor has invited the physicians to cooperate by sending information as to all **occupational diseases** treated during the past year. A well-planned booklet prepared by the division—"Industrial Diseases: Rapid Reference Manual Especially Arranged for the Use of the Medical Profession in the State of New York," by C. T. Graham-Rogers, M.D.—has been sent to doctors as an aid not only in diagnosis but also in recommending the application of preventive measures.



ALL parties that contested in the recent election in Great Britain gave prominence in their manifestoes to measures of **social insurance**. The Conservative party pledged that it would supplement existing old age and widows' pensions by a contributory scheme. The Labor party pointed out that by the recent drastic revision of the unemployment insurance act the "gap" has been abolished and the benefits made continuous, while the weekly amount has been increased by about 25 per cent. The Liberal party called for a further extension and a complete coordination of the existing social and economic insurance acts.

"THE able-bodied worker willing and anxious to work but denied the opportunity to do so is a challenge to the intelligence of mankind. We feed the plough horse during the winter. We give hay and bran to the dry cow, and we kick the unemployed worker out on the street to beg, steal or starve. \* \* \* We are for **unemployment insurance**, payable by the employing class, for the same reason that we do not suffer a horse owner to turn his animals out on the street the minute they are no longer needed."—*Illinois Miner*.



A SPECIAL legislative committee in Canada appointed in April to make an investigation with a view to the adoption of **old age pension legislation** has recommended "that an old age pension system be established at the earliest possible date for deserving indigent persons of 70 years of age and upwards," the maximum rate of pension to be \$20 per month, and the cost to be borne by the federal government and the provinces on a fifty-fifty basis.



A MONTHLY **Industrial Hygiene Bulletin** is being published by the division of industrial hygiene of the New York state department of labor. Dr. Leland E. Cofer, director, writes in the first number that the bulletin "is to aid in the conservation of the life and efficiency of that large army of persons who earn their livelihood in industry. It is intended as a medium through which to acquaint the medical profession, the employers and the



employees in industry with the industrial hygiene side of conditions as they affect workers."

◇

IN Tennessee the State Federation of Labor will urge at the forthcoming legislative session that the standards of the **workmen's compensation law** be raised. The outstanding defect in this act is that it is administered by the courts, which makes compensation settlements slow, complicated and costly and tending to defeat the purpose of the act—a practice not tolerated by the great majority of the states. Organized labor in this state will also demand ratification of the proposed child labor constitutional amendment.

◇

SPECIAL BULLETIN 126 of the New York State Department of Labor, recently issued, contains a highly informing "**analysis of workmen's compensation cases**" closed during the year ending June 30, 1923. It is a helpful contribution to the campaign to prevent industrial accidents, presenting a wealth of detailed information as to the causes of accidents and their consequences. The compensation cost of disabilities for which final awards were made in this state during the year is shown to be \$3,674,524 for temporary disabilities; \$4,102,938 for deaths, and \$8,520,883 for permanent disabilities.

◇

IN Japan, through the Bureau of **Post-Office Life Insurance**, more than 8,000 post-offices receive applications for life insurance, collect the premiums and attend to the usual details of the business which, in commercial insurance, ordinarily requires an immense corps of agents. A recent dispatch says that at the end of 1922 there were 4,209,791 policies in force through the post offices of the empire, the insurance amounting to 477,597,717 yen.

◇

THE 1924 Year Book of the American Engineering Standards Committee, in setting forth the many important advantages of industrial standardization, points out that "**it stabilizes production and employment**, since it makes it safe for the manufacturer to accumulate stock during periods of slack orders, which he cannot safely do with an unstandardized product; it lowers cost to the public by making mass production possible."

◇

R. M. LAMBIE, chief of the West Virginia department of mines, declared that present mining laws are inadequate to meet modern mine safety requirements, at a meeting September 3 between state mine officials and mine operators. Mr. Lambie urged the adoption of effective safety measures including **rock dusting to prevent coal dust explosions**. Meetings are being held throughout the mining field of West Virginia for the purpose of securing further safety suggestions from men at the mines.

◇

"No one can doubt that the laws of every coal mining state need some revision to make mining safer by requiring certain safety devices, by clarifying the wording of the law and by providing better means for its enforcement. \* \* \* To those men who should take the first step in removing dangers or in **improving our mining laws** we repeat, 'willful delay may be classed as criminal carelessness,' and to any who are inclined to doubt their responsibility in safety matters let us say that it is our firm belief that the time will soon be here when willful delay not only *may* be but *will* be classed as criminal carelessness."—*Coal Mine Management*.

AN **unemployment insurance fund** has been set up in the cloth hat and cap industry in Milwaukee. The plan, which is the result of an agreement between the manufacturers and the United Cloth Hat and Cap Makers of North America, provides for weekly contribution of 5 per cent of payroll by employers, similar to the plan in effect in St. Paul and in New York, although in latter, contribution is 3 per cent of payroll. The agreement will run to September 1, 1925. ◇

OWING to the special **dangers attending coal mining** in the province, the mines department of **Nova Scotia** has invited the cooperation of George S. Rice, chief mining engineer of the United States Bureau of Mines to assist in devising effective safeguards against accidents and explosions. ◇

THE Committee on Publicity Methods in Social Work, 130 East 22nd Street, New York City, has just announced its second annual competition for **one-act plays** written upon some present-day social problem. ◇

THE *Wall Street Journal* revives the old bogey that the La Follette **seamen's law** is harmful legislation. The hardest blow ever dealt this bogey was by Chairman Lasker of the United States Shipping Board, who declared at a congressional hearing two years ago: "I want to take occasion to say here that I think the seamen's act has been one of the most misrepresented acts of which I have ever heard. I came down to Washington believing, as most people in my part of the country do, if you repeal the seamen's act you would have a merchant marine. That is pure bunk." ◇

UNDER heading "Guggenheims to Shut Mines" a newspaper dispatch from Mexico City, November 6, gives an interesting illustration of how **economic pressure** may be brought to bear against labor legislation. "Dispatches from Chihuahua," says the report, "say the American Smelting and Refining Company has announced that it will gradually close all its affiliated companies in the state, owing to an amendment to the labor law passed by the local legislature granting to the workers a certain percentage of the net income and also the right to audit the books of the companies for which they work. Several mines operated by the American company were closed on Monday rendering 10,000 persons idle." ◇

JOHN B. ANDREWS has been elected to the board of directors of the **National Information Bureau**. ◇

BECAUSE of several **accidents to minors** operating power-driven cutting machines in the clothing industry the attention of the Pennsylvania industrial board has been called to the hazardous nature of such work. The board has drafted a tentative ruling forbidding the employment of minors under the age of 16 years to operate power cutting machines. ◇

OFFICERS elected for the ensuing year by the **Association of Governmental Labor Officials of the United States and Canada** include President, Geo. P. Arnold, director of the Illinois Department of Labor, and Secretary, Louise E. Schutz, superintendent of the division of women and children of the Minnesota Industrial Commission. The Association will hold its next convention in Salt Lake City, Utah, probably some time between the 1st and 15th of June, 1925.



## Important Measures Now Up to Congress for Immediate Action

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**T**HERE are five protective measures on the national legislative program on which prompt action at the present session of Congress is an especially urgent need. The American Association for Labor Legislation, in calling particular attention to these important measures, here listed, includes references to platform pledges of the party which in the November election was given full responsibility for action.

1. **Vocational retraining of industrial cripples** is an accepted national principle. Federal appropriations expired at the end of the first four-year period on June 30. Authorization of appropriations for another period of three years was voted by Congress last June, but—despite the fact that Congressional leaders and the administration had been reminded months earlier of the danger of delay—no funds were provided. The delay has had a demoralizing effect upon federal and state administration. The party in power is definitely pledged to “a continuation of the work of rehabilitating workers in industry” and “adequate appropriations for this purpose.”

2. **Accident compensation for those injured in private employments in the District of Columbia.** It is deplorable that these voteless workers in the shadow of our national capitol are still unprotected while the compensation principle has been almost universally adopted in the states. For the District of Columbia the harsh rules of the old common law have never been softened even by an employer's liability statute, and there is no accident reporting law or provision for accident prevention. A carefully drafted bill, introduced in April, 1921, by Mr. Fitzgerald of Ohio, has twice been favorably reported after unusually full public hearings. This bill (H. R. 487) embodies the best features of American compensation laws and, while safeguarding the interests of employers, is liberal to the injured workers and just to the community. It is again on the House Calendar ready for action. The Republican party platform in 1920 declared “The supreme duty of the nation is the conservation of human resources through an enlightened measure of social and industrial justice. \* \* \* We pledge the Republican party to the solution of these problems through national and state legislation.”

3. **Persons other than seamen when injured by accident while engaged under maritime contracts should have protection**

equal to that extended to workers in other hazardous employments. "Statesmanlike efforts" to give these local harbor workers—longshoremen and repairmen at the docks—the protection of state accident compensation laws have repeatedly failed on account of closely divided opinions of the United States Supreme Court. The remedy for this local condition must now be sought through federal legislation, and the Republican party, which is pledged to the "application of the workmen's compensation acts to the merchant marine," can not ignore the sad plight of these essential workers engaged under maritime contracts.

4. **The alarming accident rate in the coal industry is one of the reasons why the public has desired information concerning existing conditions.** A special United States Coal Commission, appointed by President Harding, expended directly more than half a million dollars in gathering facts about the coal industry and in formulating recommendations. The indirect expenditures of the government and of industry are estimated as at least one million more. This public commission went out of existence fifteen months ago. Although the Senate, after months of delay, voted its authorization to publish the commission's report, the House has failed to act. Continued delay is hampering efforts to bring about the adoption of urgently needed safety measures at a time when coal mine disasters in which property is destroyed and hundreds of lives are needlessly lost have been increasing to an appalling extent. The Republican party is on record as favoring in reference to the coal industry the use of "the powerful instrument afforded by full publicity."

5. **An adequate and permanent public employment service is needed as a basis for information regarding the labor market and as a means for bringing about more regular employment.** The Republican party is pledged to "a more adequate system of federal free employment agencies" and "an ample organization for bringing the man and the job together."

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PRESIDENT COOLIDGE, in his message to Congress, December 3, limited his reference to legislative needs of the District of Columbia to these two sentences: "The welfare work of the District of Columbia is administered by several different boards dealing with charities and various correctional efforts. It will be an improvement if this work were consolidated and placed under the direction of a single commission." Under the topic "the wage-earner," he refers to the protective tariff and immigration restriction—and concludes: "It is gratifying to report that the progress of industry, the enormous increase in individual productivity through labor saving devices and the high rate of wages have all combined to furnish our people in general with such an abundance not only of the necessities but of the conveniences of life that we are by a natural evolution solving our problems of economic and social justice."



# The Minnesota Decision on the Law for One Day's Rest in Seven

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By NOEL T. DOWLING  
*Columbia University Law School*

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AT the 1923 session the Minnesota legislature enacted a One Day of Rest in Seven Law (L. 1923, Ch. 298). In form it is modelled somewhat after the standard bill urged by the American Association for Labor Legislation and adopted, *e.g.*, by Massachusetts (1913), Wisconsin (1919) and by New York (L. 1913, Ch. 740). That bill was based on the economic and social desirability of twenty-four consecutive hours of rest in every seven consecutive days. It fixed the rest day idea as a policy for general observance in manufacturing and mercantile establishments and kept to a minimum the list of exceptions where the policy was not applicable. And the exceptions were carefully ascertained in order to escape the danger of arbitrary classification. The New York statute was sustained in *People v. Klinck*, (1915) 214 N. Y. 121. Consequently, with it as an example, it is a comparatively simple matter to frame legislation which will stand the test of judicial process.

But the Minnesota statute, while in form somewhat like the one above mentioned, departed from it in substance. Instead of a minimum of exceptions the legislature appended what seems more like a maximum. Thus, with bare notice in passing of the fact that the statute recites that it is not applicable, under certain conditions, to hospitals, clinics, sanitoriums, dispensaries, undertakers, cemetery associations, newspapers, canning factories, burning of kilns in potteries, sewer pipe or brick and tile factories, creameries, cheese factories, manufacture of salt, public amusements, automobile garages, repair shops and oil filling stations, pharmacists, caring for live stock, flour mills, "work of necessity"—with bare notice of this long and jumbled enumeration of which the foregoing is not all, it is to be observed that the legislature entered the field of public utilities for further exceptions. Public utilities, however, were not excluded as a class. Thus, common carriers and telephone and tele-

graph companies were excluded. But not so for light, gas, or water companies.

A gas company, supplying gas to the people of Minneapolis, worked an employee seven days a week. An action was begun to exact the penalty of the law. The court held that the defendant was entitled to a judgment of not guilty on at least two grounds: first, that the business was one of necessity and so within the general exception of the statute, and second, that the statute was so arbitrary in its classification as to be a denial of equal protection of the laws and hence unconstitutional. This was the case of *State v. Rand*, decided in the District Court, Fourth Judicial District, September 9, 1924, as reported in 6 *Law and Labor* 300.

This case, looked at from a strictly legal point of view, is a decision only on the ground first stated. The reason is that if there are two ways to decide a case and only one of them involves the passing upon a constitutional question the court will resort to the other. So, here it would have been sufficient for the court to say that the industry in question being one of necessity was not included in the operation of the statute. On that score the case has no bearing on one day of rest in seven except as an illustration that Minnesota did not make the statute applicable to works of necessity.

But the case is of wider significance than that. Not that it raises any new constitutional difficulty or constitutes a setback to the rest day idea. But rather it is a sharp reminder that the preparation of a statute to carry into effect even so simple a policy as one day of rest in seven is a task requiring some degree of care in draftsmanship. What the court actually does is to point out to Minnesota that if a law on the subject is really desired the legislative job should be better done.



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## To End Mine Blasts

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Editorial in the Louisville (Ky.) *Times*, October 30, 1924

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IN Kentucky a mine dust explosion killed three men and jeopardized the lives of fourteen others; a similar calamity in Wyoming in September killed thirty-nine miners; the same kind of a disaster killed 172 miners in Utah last March. Explosions in mines in this country this year have taken nearly 500 lives. Dust explosions are preventable. Until it was discovered and demonstrated that rock dust or powdered shale sprinkled in coal mines would prevent dust explosions the remedies offered were experimental, expensive and not very effective. The explosions were listed as almost inevitable and the loss of life was thought unavoidable. Under such circumstances there was at least the shadow of excuse for permitting the slaughter to proceed unless coal mining was to be abandoned.

Now, however, according to reports being distributed by the American Association for Labor Legislation, the immediate adoption of the stone dust sprinkling plan is demanded in the name of humanity and for the sake of property. The association says the precaution is compulsory in England and France after exhaustive tests have proved its practical value. In Utah the system has been put into effect by agreement of the coal operators and the industrial commission. If coal dust explosions in mines can be prevented in England and France and Utah they must be prevented in Kentucky. This State cannot afford to assume responsibility for murder, and that is what dust explosion fatalities amount to if they are preventable and yet not prevented by those who can apply the prevention.

The industrial world is interesting itself as never before in the promotion of safety for employees. Mining has ever been hazardous. If it can be made safer, it must be.

# Fatal Toll of Mine Explosions

## PROGRAM OF PREVENTION

**D**URING the three months since the September number of this REVIEW appeared, there has been only one "major" coal mine explosion, that at Rains, Utah, September 21, in which **5 miners met death**. In no preceding three months' period of the year have there been so few disasters and so few fatalities. Doubtless the remarkable activity of coal companies during 1924 in installing rock dust in their mines to prevent coal dust explosions, has already begun to show results. It is to be hoped that this safety work has so far progressed that it will prove effective during the winter months just ahead—a time when the hazard is especially great.

Despite the comparatively favorable showing since September, the toll of fatal explosions has shown a shocking increase for the past eleven months. Already in 1924 nine "major" **explosions in coal mines have taken 451 lives!** In 1923 **265 miners were killed** in nine "major" coal mine disasters. These tragedies followed a series of eleven "major" explosions in 1922 which caused the death of 264 men. **In ten years we have killed more than 25,000 coal miners!**

The explosion at Rains followed—at the appalling rate of one disaster a month—the fatal explosions during the present year at Johnson City, Illinois, with **32 deaths**; at Shanktown, Pennsylvania, with **36 deaths**; at Castle Gate, Utah, with **172 deaths**; at Yukon, West Virginia, with **24 deaths**; at Benwood, West Virginia, with **119 deaths**; at Gates, Pennsylvania, with **10 deaths**; at Wilkes-Barre, Pennsylvania, with **14 deaths**; and at Sublet, Wyoming, with **39 deaths**.

What these tragedies mean to the families of the victims, gathered in pitiful groups at the mine mouth, is feelingly suggested by one editor who writes:

The figures didn't mean a great deal to us. If we had been standing at the mouth of the mine, however, and seen the charred bodies borne to the surface; if we had been in the group of wives and children sobbing behind their shawls, and had faced with them the future without the breadwinner—then we should feel what these frequent mine disasters mean. And we should have demanded: "Can't something be done about stopping them?"

How much longer shall these killings continue? ("The great explosions should not be considered to be normal occupational accidents," says the director of the federal Bureau of Mines.) When will the public insist upon removing for all time the dreaded spectre of violent death that stalks through the mines? These questions—which must here again be raised—have been asked in every issue of this REVIEW since December, 1922.



And in each new issue, without fail, it has been necessary to record the news of one or more new disasters.

Mine bureaus have existed for many years. Accident compensation laws have provided at least partial relief for those left dependent. **But safety standards are still inadequate.** The United States Bureau of Mines has shown that many of the worst hazards of mining can be eliminated. Director Bain of the Bureau declares that "explosions can and must be prevented." Results, however, depend upon local and state action.

In order to make safety work in the mines more effective the American Association for Labor Legislation is urging the adoption of a program for strengthening protective legislation, which includes—

1. **The adoption of uniform legal minimum standards of safety;**

2. **The use underground of no explosive that is not after scientific investigation numbered among the "permissibles;" the strict limitation of "shooting off the solid;" and the use of shale or approved rock dust to check the spread of coal dust explosions;**

3. **Reward careful employers and penalize the less scrupulous, by the universal adoption of schedule rating for insurance under accident compensation laws, with a further graduated penalty for cases of willful failure to put into effect legal safety regulations;**

4. **An adequate mine inspection staff selected upon a merit basis of training and experience, fairly paid, for reasonably long tenure of office and protected from partisan interference whether political or industrial;**

5. **Greater public authority, federal and state, to procure and disseminate information, and to establish and maintain on a uniform basis reasonable minimum standards of safety.**

The Association's program of prevention of needless coal mine disasters—discussed more fully in this REVIEW for March, 1924—has aroused widespread interest. It has been put forward during the past year and a half with the active cooperation of the press, and after consultation with mine operators and engineers, representatives of the miners' organizations, state and federal mine inspectors, and an examination of published records.

As a result of the Castle Gate explosion in March, Utah promptly pointed the way by adopting the most comprehensive coal mine safety code in America, including the required use of rock dust.

**Why should there be further delay in the other twenty-nine bituminous states in taking the necessary preventive measures? Why continue NEEDLESSLY to destroy property in an essential industry and sacrifice additional hundreds of precious human lives?**

# Employers Now Given Insurance Credit for Rock Dusting to Prevent Coal Mine Explosions

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By G. B. BUTTERFIELD

*General Manager, Associated Companies, Hartford*  
(In Coal Age)

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(EDITOR'S NOTE: The leading casualty insurance companies have recently decided to reduce their coal mine compensation insurance rates to employers who install rock dust in their mines to prevent coal dust explosions. Mine operators now have an additional financial incentive to adopt this simple, inexpensive and effective safety device. The action of the commercial casualty companies in giving dollars and cents recognition to the rock dusting of bituminous coal mines "as a real safety factor in the prevention of mine explosions," is concisely set forth in the following article by the general manager of the Associated Companies.)

WING to the increasing frequency of explosions in coal mines during the winter of 1923 the compensation insurance carriers have made an exhaustive study of the causes of mine explosions.

They found that in the United States from 1839 to 1923 inclusive 7,907 men were killed in bituminous mine disasters. Of this number 5,722 men, or 72 per cent, lost their lives in gas and coal-dust explosions. If workmen's compensation laws had applied to all of these explosions, the compensation cost alone, at the average of \$2,500 per death, would have been \$14,305,000. This is an enormous loss measured in dollars, to say nothing of the families which were deprived of their supporting heads by these preventable explosions.

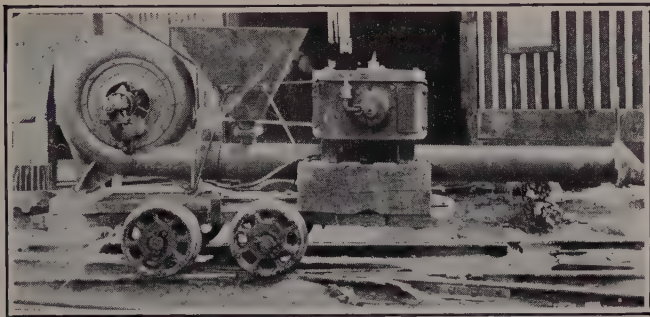
The United States Bureau of Mines' experiments verify the fact that if rock dust and bituminous-coal dust are mixed in such proportions as to have a mixture of about 45 per cent coal dust and 55 per cent rock dust, the coal dust will not explode. \* \* \*

The leading coal-mine compensation insurance carriers recognize the rock dusting of bituminous-coal mines as a real safety factor in the prevention of mine explosions, and have incorporated this subject as Item 1-C in the Bituminous Standards. The specific wording of this paragraph is as follows:

All entries, aircourses, manways, room necks and entries or approaches (other than old room necks to old and abandoned sections) shall be rock dusted



## **"Home Made" Rock Dusting Devices**



—Courtesy Coal Age

### **An Example of a Coal Miner's Ingenuity**

A good indication of the interest that is being aroused at the bituminous mines in the campaign for rock dusting the mines to prevent coal dust explosions is found in the efforts of the miners, lacking perfected apparatus, to devise methods for applying rock dust. Miners as well as mine executives are opening a new period of experimentation. In this respect the present campaign for coal mine safety is duplicating earlier experience in factory safety. Years ago, when "safety first" was new, administrative officials would recommend no safety device that they themselves could not install and demonstrate as workable. They then got some of the best suggestions from "grimy benchhands" who drew them out of practical experience at the machines. The above illustration shows a machine "rigged up" at a New Mexico coal mine for blowing rock dust on the underground workings.



—Courtesy Coal Age

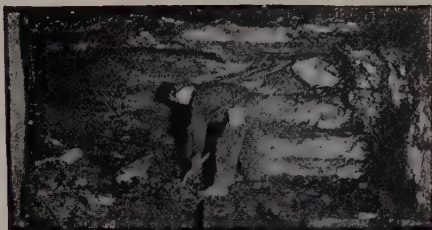
### **A Rock Dust Barrier on Guard**

This picture shows V-shaped troughs filled with rock dust suspended from the roof of a Phelps Dodge coal mine. A slight local explosion jars the troughs so as to dump the rock dust into the air of the passage way. This provides a non-combustible "curtain," which checks the spread of the explosion throughout the mine. Successful experimentation with such "made at the mine" devices is paving the way for the perfect barriers of the future.

# Pictures Aid in Mine Safety Work

## SAFETY - FIRST BULLETIN

I



### DANGEROUS ROOF

Examine and Test  
the Roof at your  
working place

Charles Roman — Room 5 — 6th East — No. 6-Mine

The result of carelessness

-STOP-

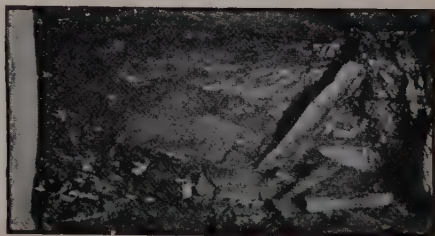
Do not take the chance

-LOOK-

Bar down loose coal or rock

-LISTEN-

Put up props if necessary



BE CAREFUL —

— PROTECT YOURSELF

! THIS MAY HAPPEN TO YOU !

**TENGA BUEN CIUDADO**

PHELPS DODGE CORPORATION

STAG CANYON BRANCH  
JAN-1933

## “How Charlie Roman Got His”

A typical safety bulletin issued at the Phelps Dodge coal mines. Following an accident, an investigation is made and its cause determined. The accident is then reenacted and pictures taken which aid graphically in safety educational work. The above pictures illustrate how one miner was buried under falling coal.

with limestone, shale or other inert dust approved by the U. S. Bureau of Mines. The application shall be of sufficient amount and of sufficient frequency to maintain on the roof, ribs, bottom, timbers and all places of lodgment sufficient inert dust so that the combustible contents of the resulting mixture of rock dust with coal dust shall not exceed 45 per cent at all times. That is, the resulting mixture of rock dust with coal dust shall not exceed 45 per cent of coal dust, allowing the remaining 55 per cent to be rock dust.

The insurance carriers have decided to allow a reduction in rate varying from 10 cents to 20 cents per \$100 of payroll, depending upon the past history of catastrophies in each specific state.

The compensation insurance carriers are so sincere in their belief in the good results to be obtained by rock dusting that they feel that approximately 85 per cent of the deaths in mine explosions would be averted if the mines are rock dusted.

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## A Tragic History

**A**N article published recently by the Travelers Insurance Company on the rock dusting of coal mines to prevent coal dust explosions says:

"If we look at the gas and dust explosion record since 1920, we can see why mine owners, mine workers, and the public are deeply concerned in the matter. There were five explosions with an average of seven deaths per explosion in 1920, 8 explosions and an average of 4 deaths in 1921; and the corresponding figures were 17 and 16, respectively, in 1922; 17 and 20 in 1923, and 6 and 64 in the first four months of 1924. Eight explosions with an average of four deaths per explosion in 1921, with a four-fold increase in the average number of deaths per explosion. This is indeed a startling increase, but if we look at the returns for the first four months of 1924 we find a decided promise of a further increase in the number of explosions, and of another four-fold increase in the number of deaths per explosion. Here in three brief sentences is the tragic history of the last few years.

"The experience of European countries (and particularly that of Great Britain) taken in connection with that of the few mining companies that have tried it in this country, indicates that rock dusting, when done in a thorough and systematic way, is an effective means of protection against coal dust explosions."

Since knowledge of an effective safeguard against coal dust explosions is now available, according to the Travelers, "it follows, therefore, that mine owners are either not fully informed on the subject, or else that, having the information, they do not give proper weight to it in the conduct of their business."



# Roll of Honor of Coal Companies Using Rock Dust to Prevent Coal Dust Explosions

(EDITOR'S NOTE: When in December, 1922, after calling attention to the increasing toll of lives in coal mine disasters, the American Association for Labor Legislation opened its present campaign for the adoption of preventive measures, it was able to secure from federal and state official sources the names of **only three coal companies** in the United States that were using rock dust to prevent coal dust explosions. As the campaign has progressed during the past two years, the Association has been informed of the installation of rock-dusting methods by additional companies. Such companies should be commended for taking the lead in the adoption of this simple, reasonably inexpensive and effective safeguard against disasters. The following list, as of December 1, 1924, does not indicate in all cases how many of the mines operated by the company are protected by rock dust or powdered shale. It is a tentative list based on information now at hand. Names of additional companies installing rock dust will be added from time to time to this honor roll.)

<i>Coal Companies</i>	<i>Rock Dust Installed</i>
<b>Old Ben Coal Corporation</b> (Operates 12 large mines in Illinois, in all but one of which shale dust has been or is being installed.)	Winter of 1917-18
<b>Valier Coal Company</b> (Operates a mine in Illinois.)	1919
<b>Pennsylvania Coal Corporation</b> (Operates 31 mines in Pennsylvania; rock dust now installed in some of the mines.)	.....
<b>Union Pacific Coal Company</b> (Operates 17 mines in Wyoming; rock dust will be installed in all mines at an early date.	1921
<b>Victor American Fuel Company</b> (Operates mines in Colorado.)	.....
<b>Phelps Dodge Corporation</b> (Operates 7 mines in New Mexico, in all of which non-combustible dust is now partly—and will soon be completely—installed.)	April, 1923
<b>British Empire Steel Company</b> (Rock dust installed in several mines in Nova Scotia.)	1923
<b>Pennsylvania Coal and Coke Corporation</b> (Rock dust installed in 2 mines.)	.....
<b>Springfield Coal Mining Company</b> (Rock dust installed in one mine in Pennsylvania.)	.....

<b>Inland Collieries Company</b> (Operates 1 large shaft mine in Pennsylvania.)	April, 1924
<b>Royal Fuel Company</b> (Rock dust installed in one mine in Colorado.)	1924
<b>Eastern Coke Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Tower Hill-Connellsville Coke Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Republic Iron and Steel Company</b> (Rock dust installed in 3 mines in Pennsylvania.)	1924
<b>Thompson-Connellsville Coke Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Hecla Coal and Coke Company</b> (Rock dust installed in 2 mines in Pennsylvania.)	1924
<b>Allegheny-Pittsburgh Coal Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Consumers Mining Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Hillman Coal and Coke Company</b> (Rock dust installed in 2 mines in Pennsylvania.)	1924
<b>Pittsburgh Terminal Coal Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Pittsburgh Coal Company</b> (Rock dust installed in 6 mines in Pennsylvania.)	1924
<b>Westmoreland Coal Company</b> (Rock dust installed in 4 mines in Pennsylvania.)	1924
<b>Lincoln Gas Coal Company</b> (Rock dust installed in one mine in Pennsylvania.)	1924
<b>Union Colliery Company</b> (Rock dust installed in one mine in Illinois.)	1924

<b>Chicago, Wilmington &amp; Franklin Coal Company</b>	1924
(Rock dust installed in 2 mines in Illinois.)	
<b>Eureka Coal Company</b>	.....
(Began installing rock dust in one mine in Indiana in November, 1924.)	
<b>Gulf States Steel Company</b>	.....
(Rock dusting mines in Alabama.)	
<b>Peabody Coal Company</b>	.....
(Rock dusting several mines in Illinois.)	
<b>American Smelting and Refining Company</b>	.....
(Rock dusting mines in Colorado.)	
<b>St. Louis, Rocky Mountain and Pacific Company</b>	.....
(Rock dusting mines in New Mexico.)	
<b>Gallup-American Coal Company</b>	.....
(Rock dusting mines in New Mexico.)	
<b>Industrial Coal Company</b>	.....
(Installing rock dust in 2 mines in Illinois in 1924.)	
<b>Madison Coal Corporation</b>	.....
(Installing rock dust in one mine in Illinois.)	
<b>Crerar-Clinch Coal Company</b>	.....
(Making preparations to rock dust one mine in Illinois, November, 1924.)	
<b>Creighton Coal Company</b>	.....
(Rock dusting mines in Pennsylvania.)	
<b>Peale, Peacock and Kerr</b>	.....
(Rock dusting mines in Pennsylvania.)	
<b>Ontario Gas Coal Company</b>	.....
(Rock dusting mines in Pennsylvania.)	

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In Utah, where rock dusting was made compulsory by the newly adopted state mine safety code, effective July 1, 1924, practically all bituminous coal companies in the state have now installed rock dust more or less completely.



## Criminal Indifference

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Editorial in Akron (O.) *Times*, Sept. 23, 1924

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**A STATEMENT** issued by the American Association for Labor Legislation makes this positive declaration:

"The lives of more than 400 miners who have met death in eight major coal dust explosions in the United States thus far during the present year would have been spared if the simple, inexpensive and completely effective expedient of sprinkling the mines with rock dust had been in general use. Tests made during the past ten years by the U. S. Bureau of Mines have proved the efficacy of this precaution. In England the use of rock dust in bituminous mines is required by law and as a result explosions due to coal dust have been eliminated."

If this statement is true—and we have no reason to doubt it—the people of the United States stand convicted of criminal indifference for permitting such simple measures of prevention to remain unenforced. The yearly slaughter in the coal mines is a disgrace to our pretended civilization.

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# Home Life for the Aged

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By HOMER FOLKS

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(EDITOR'S NOTE: Mr. Folks, who has twice been president of the national conference on social work, is exceptionally qualified to discuss the human aspect of relief for the needy aged. His observations, quoted on this page from a recent article in the *Survey*, come with force from one who has so long faced intimately the problems of poor relief. The principle of home life for the aged underlies old age pension legislation as advanced in America.)

**W**HAT do the aged want? We are apt to think of them as desiring a serene, uneventful life, such as would result from the orderly management of an institutional home. As a matter of observation and fact, is this not contrary to all experience? My observation of the aged would lead me to believe that their chief desires are: first, not to be set apart in any way as being aged; second, to be let alone, and allowed to manage their own affairs; third, to stay where they have been living, if possible in the same home circle, certainly in the same neighborhood and physical environment; and fourth, to continue occupying themselves as nearly as may be in the kind of work to which they have been accustomed, or in something resembling that as nearly as possible, having in mind their increasing infirmity.

These so-to-speak fixed ideas of old people often seem on first thought to many social workers to be utterly foolish, extraordinarily unreasonable, short-sighted, and indicating obstinacy. **As a matter of fact, they are the very qualities which civilization has slowly and painfully elaborated as the foundation of organized society.** Attachment to locality and to individual liberty, and useful occupation, are not these the very traits of character without which any high degree of social achievement would be impossible? After having painfully cultivated these virtues over long periods of time, we

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cannot expect them suddenly to be put into the discard. Rather, we should treat them with the utmost respect and consideration, even though at the moment they may make the task of assisting the aged somewhat more difficult, certainly more individual. As a matter of fact, these old people may be very much wiser and may understand their own needs very much more clearly than we do. A continuance of established habits, occupations and adjustments may in a great majority of cases mean a much greater probability of health and of a comfortable and agreeable old age than a sharp break with the habits of a life time. \* \* \*

The first reaction of the generous-minded to the problem of the aged has been Homes for the Aged. \* \* \* When the matter is gone at, however, in a larger way, such as providing for clergymen or teachers or other groups, in their later age periods, nobody has suggested that they should be brought together into groups of Homes for Aged Clergymen, or Homes for Aged Teachers. Funds have been established whereby supplementary allowances and pensions have been provided. **There is no particular reason, however, why the considerations which call for Funds, rather than Homes, for ministers and teachers, should not equally apply to all other classes and groups of people.** People generally are attached to their homes, their families, their occupations, and their localities, quite as much as are teachers and clergymen. \* \* \*

Whether or not we ultimately arrive at a system of public pensions for the aged (which is by no means a closed question), it is perfectly clear that unless bequests and gifts are as applicable for the assistance of the aged in their own homes or in other homes, as in Homes, we shall find ourselves inevitably pushed toward **the adoption of a public system more nearly in accord not only with the development of modern social work,** but with the instinctive judgment of all who will devote a little thought and observation to the question of what the aged themselves really wish.

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# Old Age Pension Legislation Found Economical and Humane

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## Pennsylvania State Conference on Old Age Assistance

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EVER were the economies of statewide old age pensions contrasted more effectively with the wastefulness of the antiquated poorhouse system than at the Pennsylvania Conference on Old Age Assistance held at Harrisburg, November 13.

Modern, scientific, humane and effective legislation was made to appear in a most favorable light against a dark background of medieval, haphazard, ineffective and inhuman treatment of aged dependents that still survives in American "institutions."

As Governor Pinchot pointed out, "the laws in force in Pennsylvania to-day are identical in principle, and almost identical in language, with the famous poor laws of Queen Elizabeth in England."

More than three centuries after the time of Queen Elizabeth, Pennsylvania turned a new leaf. This state, in 1923, enacted a law for statewide old age pensions—the first of our industrial states to strike this long-delayed blow at the venerable poorhouse.

But, having enacted the law, the legislature cautiously limited the appropriation to \$25,000 for a period of two years. This sum was sufficient to enable the state Old Age Assistance Commission to function as an organizing and fact-finding body. Appropriations to cover payment of pensions to the needy aged who were found eligible were left to the future.

So the commission, as its first task, set about to get reliable information upon which the legislature could act intelligently in making appropriations to pay the pensions. Within seven months after it began to function, the commission had organized the machinery of administration provided by the act in forty-five counties. These county boards combed their districts to find all persons eligible to pensions. In doing so they obtained from the applicants a mass of valuable data not only as to the number of aged persons covered by the law but also as to the character and circumstances of these dependents.

As a result the commission was able to present to the conference in November an almost exact estimate of the cost of statewide old

age pensions. This cost, it is now definitely established, is not only vastly less than the "estimates" put forth in the opposition propaganda but it is substantially less than the cost of the existing poor-house system.

This newly-acquired and significant information, as outlined, with essential figures, by Chairman Maurer, appears on page 292 of this REVIEW.

The Harrisburg conference was widely representative. In addition to delegates from local old age assistance boards from more than half of the counties of the state, there were large delegations from organized labor, the churches, the state and Philadelphia chambers of commerce, State Grange, State Federation of Women's Clubs, social workers and fraternal organizations. Representatives were also present from the Massachusetts Old Age Pension Commission, the old age pension committee of the United Mine Workers of America, the Illinois and Ohio state federations of labor and the American Association for Labor Legislation. To have the commission's important findings presented for the first time to such a gathering will undoubtedly prove an impetus to the old age pension movement in all the states.

Chairman Maurer's report was supplemented and confirmed in addresses by officials of local boards, including Mrs. Janet Workman, secretary of the Washington county old age assistance board; James F. Collier, chairman of the Lycoming county old age assistance board; Nathan F. Walker, president of the state association of county commissioners; Mrs. W. B. Gray, secretary of the Beaver county old age assistance board and Seiburt Witman, member of the Berks county old age assistance board.

Mrs. Workman, whose address is reported more fully on page 302 of this REVIEW, declared that old age assistance is a better method of care of the dependent aged, not merely because it is more just and humane, but because "there is no foundation to the general impression that our poorhouses represent the cheapest and most economical care of the dependent aged." She pointed out that "while in 1923 it cost Washington county about \$7 a week, or approximately \$30 per month, to support an inmate in the county home, the average pension allowed by the county old age assistance board. amounted to but \$21.43 per month." Furthermore, as she impressively showed,

the county spends "on salaries and wages \$21.48 out of every \$100 appropriated for the poor in the almshouse," while it costs the old age assistance board in that county "less than eight cents per hundred dollars distributed!"

Mr. Collier pointed out that from their experience with 100 applicants in the county it is obvious that "no shiftless and unworthy persons have applied in Lycoming county." He declared that investigation of their applicants have shown that the overwhelming majority have been hard working persons who have reared large families on small wages, whose children have either died, or who conducted small business at small profit or who finally failed because of poor business, failure of customers to pay debts, or who through sickness or death in the family have expended what little they had.

Social responsibility for old age dependency, the significance of the Pennsylvania old age assistance act in the United States, and the progress of the nationwide movement to replace the poorhouse system with modern old age pension legislation were discussed by several speakers including Dr. I. M. Rubinow, director of the Jewish Welfare Society of Philadelphia; Thomas Kennedy, president of District No. 7 of the United Mine Workers of America; John F. O'Toole, chairman of the Pennsylvania old age pension committee of the Fraternal Order of Eagles; Reverend William L. Mudge, executive secretary of the Pennsylvania Federation of Churches and John B. Andrews, secretary of the American Association for Labor Legislation.

Dr. Rubinow, who is one of America's leading authorities on social insurance, described the new problems presented to the aged because of industrial development and declared that it is the responsibility of society to provide for aged and discarded wage-earners a better fate than the poorhouse.

Declaring that organized labor is strongly in favor of adequate old age assistance legislation, Mr. Kennedy insisted that the working man and woman who have helped in the building of our industries, contributed to our own welfare, and raised families who continue to do the hard work of society, are, even as judges and teachers, entitled to better care in their old age than by casting them into the poorhouse with all society's outcasts.

Dr. Andrews said: "It may be said with assurance that old age pensions have now reached the pioneering stage with respect to



legislative adoption that mothers' pensions had reached a dozen years ago. Now that a beginning has been made in Pennsylvania, Montana and Nevada, we may look for state after state to fall in line. The tragedy of institutionalized childhood is no greater than the tragedy of institutionalized old age. To tear a veteran of industry away from wife or children or cronies after a lifetime of honest toil and commit him to the uncertain care of strangers in a strange place is so inhuman an aspect of our industrial civilization that it is certain to be everywhere remedied."

Governor Pinchot, in an address which is reported more fully on page 288 of this REVIEW, presented the considerations which led him in 1923 enthusiastically to sign the old age assistance act. Reviewing the history of Pennsylvania poor laws from early colonial days, he declared that not since 1836 had there been any revision of the system, which dates back to English laws of 1601. For nearly a hundred years, he said every commission appointed to study the subject had urged revision of the poor laws. Despite this, the years brought forth only a jumble of about 3,000 laws dealing with poor relief. The governor emphasized the difference between old age dependency to-day and that of three centuries ago, and said he was proud that Pennsylvania is the first industrial state to enact an old age assistance law.

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### **Ill from Work but Unprotected**

A PENNSYLVANIA workman who had been employed as a molder for about twenty years found himself ill and disabled. He claimed that the cause of his disability was "bronchitis caused by a fellow-employee using an air hose causing the cold air to strike my lungs." The official referee found it to be a fact that for a number of weeks prior to the date of disability the claimant was subjected to blasts of cold air from a hose used by a fellow-employee, and that this caused bronchitis. The state workmen's compensation board awarded compensation. Upon appeal by the employer, however, the court reversed the award, holding that the testimony showed conclusively that the claimant is suffering from molder's consumption which is an occupational disease, and as the bronchitis was not caused by a blast of cold air at a particular time, but was caused by successive blasts over a period of several weeks, it did not constitute an accident within the compensation act. So this worker, like thousands of others suffering from occupational diseases arising out of their employment, is forced to make shift somehow without any cash benefits or medical care to tide him over his disability. Such needless tragedies would no longer occur if workmen's health insurance were in universal operation.

# Old Age Assistance in Pennsylvania: Righting the Neglects of Yesterday

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By GIFFORD PINCHOT  
*Governor of Pennsylvania*

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(EDITOR'S NOTE: Governor Pinchot's address at the Pennsylvania State Conference on Old Age Assistance at Harrisburg, November 13, from which the following excerpts are taken, is an effective plea for modern, enlightened care of aged dependents. Other states where old age pension legislation is needed may not have had as long a history of neglect as Pennsylvania, but even a decade is too long and the poorhouse system is generally a reproach to American standards. It is of more than ordinary significance that the great industrial state of Pennsylvania has pioneered in the adoption of old age pension legislation.)

PENNSYLVANIA'S interest in behalf of the aged and dependent poor antedates its name and establishment as a Commonwealth of the United States. \* \* \*

A study of the English poor law system reveals that the laws in force in Pennsylvania to-day are identical in principle, and almost identical in language, with the famous poor laws of Queen Elizabeth in England. The act of 1771, which was based upon the English poor laws, continued to be the general law of the state until the passing of the general poor law of 1836, which, in turn, was substantially a re-enactment of the same law, as no change of any consequence was made in the text. Inasmuch as there has been no general revision of the laws of Pennsylvania relating to the poor since 1836, we are confronted now with a system of poor relief that really dates back to the Elizabethan poor law of 1601.

But, the fact that we have witnessed no basic changes in our system of poor relief since the days of Queen Elizabeth, did not help us to maintain the comparative simplicity of this earlier system. As the needs grew, remedial measures had to be adopted, regardless of the fundamental law. The tendency in our poor relief administration, having been away from uniformity, each locality sought to relieve and remedy its own conditions through such legislation as it deemed best for its own welfare. As a result, we now frequently find the same parts or units of the state under local laws which show considerable differences. Thus, in twenty-eight counties poor relief is administered by a separate board of

directors of the poor; in sixteen counties, the county commissioners also act as directors of the poor; in seventeen other counties, poor relief is administered on the township unit system by directors of the poor or overseers in every township, while in six other counties, a mixed system combining features of all the above, prevails. \* \* \*

Warnings against this endless and jumbling tendency of local legislation of poor laws have been sounded in Pennsylvania again and again. Indeed, our system of poor relief administration has been attacked by every commission that was delegated to study the problem. As early as 1833, a commission appointed to revise the laws of the state urged "that townships should be assimilated to counties, in respect to the mode of government, for the sake of regularity in the system," and, while, they contended, they did not "consider themselves at liberty" to dispense with the separate office of the overseer of the poor, they declared themselves as "not satisfied that any necessity exists for its continuance."

In 1889, a commission appointed by Governor James A. Beaver, indicated this extravagant policy in the following words: "Up to the time of the adoption of the present state constitution, 1873, seventy-eight special poor-law districts were created by the legislature, and about three hundred and twenty-one acts of assembly passed relating to them." The commission went on to state: "The statute books from the foundation of the government are strewn with special acts. The late Chief Justice Woodward remarked in a case before the supreme court that it was difficult, if not impossible, for any lawyer to state the condition of the law relative to local matters in any district with accuracy. When the fact is mentioned that there are in the neighborhood of eight hundred acts of assembly upon the statute books which relate, directly or indirectly, to the poor laws, this difficulty will become apparent." This number, it is now estimated, is more nearly 3,000 than 800.

None of these difficulties having been remedied, the state dependents commission, twenty-five years later, in its report of 1915, continued this assault upon our system of poor laws by asking for its correction through repeal and amendment of existing statutes, and by the constructive enactment of new and comprehensive legislation. \* \* \*

The old age pension commission, in its report of 1919, after studies of the almshouses in the state, also reached similar con-



clusions and pointed out that: "In many county poorhouses the worthy, but unfortunate aged wage-earners are compelled, after a life of valuable service, to live and even eat at the same table with the insane, feeble-minded and epileptics, blind and deaf, sufferers from chronic diseases, persons with criminal records and prostitutes."

And if all these were not sufficient, the commissioner of public welfare, in his first biennial report in 1922, in speaking of almshouses, also stated that these institutions "were found to so overlap in function with other counties, as well as state activities, that it is impossible to consider them as an agency by themselves. \* \* \* The needs of the several communities have grown so greatly in the lack of care of the epileptic, of the mental defective, of the insane and of the inebriate, and no other place being found available for these varied groups, the almshouse has gradually evolved into a common meeting place for these unfortunates, thereby directly diverting its use from its proper function. The consequence of this has been that the county homes have been so overcrowded and such an expense to the counties that for lack of proper funds for their support they have degenerated in many instances into a disgraceful condition in the smaller communities. \* \* \* The general mingling of the various groups of dependents in these homes at the present time makes the proper care of any single group almost impossible and pitiable is the condition of all."

It would seem that the foregoing unanimous condemnation of our antiquated poor relief system would alone warrant a re-valuation of our methods of care of our worthy aged. Dependency in old age to-day is obviously different from that of three centuries ago, and must be met by methods more suitable to the twentieth century.

The modern problem of dependency in old age is not necessarily that of individual maladjustment, not the result of any lack of industry, or the inclination to be thrifty, but is due largely to our vast industrial expansion which, increasingly, finds less and less room for the decrepit aged worker or farmer.

With the advantages of mechanical experiences decreasing continuously, as machines are steadily replacing human skill, and frequently finding themselves without friends and relatives able to help, the declining days of the aged man and woman are indeed,

bleak and despairing. For, even more pitiful than poverty and suffering in youth, is that of old age when "hope no longer springs eternal in the human breast." To the man and woman past seventy years of age, the morrow can, by no stretch of imagination, be made to seem brighter than yesterday.

I considered it a pleasure and privilege, as Governor of this commonwealth, therefore, to sign the old age assistance act, not only because our present system of poor-relief is antiquated and inadequate; not merely because an old age pension system is a much more economical method than the present inefficient and costly poor-house system, but also, because I am convinced that the man and woman who have helped, by their brain and brawn, to give to this commonwealth the prosperity we are all enjoying, and who have reared families who continue their honest and productive labor, have contributed sufficiently to our commonwealth as to be entitled to a somewhat more serene and happier life in their declining days than the heart-rending wretchedness we are according them to-day in our almshouses.

May I, in conclusion, repeat what I have said upon signing the bill: "It has given me profound pleasure to sign this bill. To-day we are righting the neglects of yesterday. As governor of this commonwealth, I am proud that ours is the first industrial state to adopt the law. Other states will soon see the wisdom of our procedure and enact similar legislation to make happier the lot of the aged within their borders. The highest duty of humanity is to care for those who have served the glory of the state and the nation as well, and as loyally as they knew how."

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## **Conditions of Labor Are the Business of the Public**

"THE conditions of labor in this country are the business of the public. When the sweatshops ground out the lives of ignorant men and women and children, the air was filled with hypocritical cant that the workers were satisfied. But the public wasn't satisfied, and the sweatshops were wiped out," says the Binghamton (N. Y.) *Press*. "Before we had a workmen's compensation act it used to be said that the individual worker was entitled to make any settlement he chose with his employer in case of injury. The compensation act isn't 'charity.' It is one of the rights of labor that happens to be guaranteed by the laws of the state."

# What Will Old Age Assistance Really Cost?

By JAMES H. MAURER

*Chairman, Pennsylvania Old Age Assistance Commission*

(EDITOR'S NOTE: The movement for old age pension legislation has been lifted upon a new and even more substantial plane by the continuing fact-finding efforts of the Pennsylvania Old Age Assistance Commission. In the past it has been necessary to lean upon rather general estimates of the number of persons over 70 years who would come within the provisions of an old age pension law. These estimates have, of course, been influenced by the findings of several official commissions whose work led them to touch upon the problem of the aged and needy poor. Now, for the first time, we have a faithful picture of this tragic group in our citizenship. Thanks to the original work of the Pennsylvania commission during the first year of its administrative existence, it is now possible to give to the public and to the legislatures a more nearly exact and reliable answer to the question: "What will be the cost of state-wide old age pensions?" In the face of this study, the "estimates" of cost put forth by the opposition to old age pension legislation are shown to be vastly exaggerated. In Pennsylvania alone the opposition propaganda placed the yearly cost at \$25,000,000, whereas the commission, after searching out practically all persons in the state who would receive benefits under the law, has found that the cost will be about \$5,000,000—much less than the existing cost of the inhumane and antiquated poorhouse system. The following article by Chairman Maurer, from his address at the Pennsylvania State Conference on Old Age Assistance, held at Harrisburg, November 13, 1924, not only outlines the commission's findings as to cost but also presents the significant disclosures of the commission as to the extent and nature of old age dependency. The results of the Pennsylvania commission's pioneer work are a most important contribution to social data.)

THE first year of existence of the Pennsylvania Old Age Assistance Commission has been full of tribulations. Hardly did we get settled in an office when we were informed that an attack would be made on our right to exist. We had just requested the various county commissioners to appoint the local boards authorized by the old age assistance act, when the champions of that venerable institution, the poorhouse, filed a complaint in the Dauphin county court, praying for an injunction to prevent our commission—whose total appropriation could not exceed \$25,000 for two years—from "making disbursements involving the commonwealth of Pennsylvania in great expense to the irreparable injury to ourselves and other taxpayers." No preliminary injunction having been issued, we pro-



ceeded despite these difficulties to organize the state. Just as we were nearing the fruition of this work the Dauphin county court rendered a decision declaring the old age assistance act unconstitutional. \* \* \*

Prevented from the granting of assistance by the meager appropriations and by the court litigation, **we have concentrated all our energies upon establishing the machinery provided under the law in order to ascertain definitely the number and character of those who would be entitled to this assistance and the amount this would cost the state.** \* \* \*

Despite our obstacles, we have a great many accomplishments to report. By August 4, when the Dauphin court rendered its decision, only seven months after we were in a position to ask the county commissioners to appoint their boards, we succeeded with the co-operation of the county commissioners in organizing old age assistance boards in 45 counties, requiring the appointment of 135 persons, practically all of them recruited from the highest type of citizenship in their respective communities. Our staff made over 100 visits into the counties and were in every county except three, while a number of counties were visited more than once and almost a dozen more were helped in their investigations. \* \* \* Thirty of these county boards, who have sent in complete statements, received up to November 1 a total of 2,935 applications. At a negligible expense to the county, and practically none to the state, the boards have been able to decide definitely upon 1,847 of these applications, the rest still awaiting decision upon further investigation.

Awaiting the final disposal of our commission, in the files of our office we now have approximately 2,500 applications which have been acted upon by the local boards of over thirty counties. On account of limited time, we have been able to summarize for presentation to this conference but 1,271 applications received from sixteen counties, typical of both the rural and industrial sections in the state. The majority of these, however, are rural counties. These rather detailed and comprehensive applications have been filled out by the applicants themselves, their statements attested to by an oath before a notary public or a justice of the peace, and carefully investigated by the county boards—many of whom in the smaller counties know the applicants personally—before making final decision. A number of these were further checked up by our executive secretary.

No more reliable social data were thus ever collected, and the facts disclosed by these sworn statements, are, therefore, of supreme significance.

### **Industrial Responsibility**

The crying need for an effective old age assistance system is brought out distinctly and indisputably. The facts disclosed in this summary show concretely that the problem of old age dependency to-day is an outgrowth of our industrial expansion with the pace and speed of which the superannuated worker cannot keep up. It also reveals that poverty in old age is directly and intimately related to the poor jobs and inadequate pay of a lifetime. **The industrial responsibility for dependency in old age is obvious and cannot be shifted.**

To talk about thriftlessness and shiftlessness without an inquiry into the actual facts of the jobs held and wages received by these aged persons is merely to throw a "smoke-screen" for the purposes of dodging the issues and concealing the facts. The truth, as shown by these affidavits, is that most of these aged folks have had a life struggle to make both ends meet in order to maintain themselves as decent and honest citizens.

Savings for old age under these conditions was inconceivable! Of the 1,271 applications examined, 421, or one-third, were engaged at the time of ceasing employment in occupations generally classified as common labor; 458, or 36 per cent more, were housewives who have always depended upon the support of their husbands, but who are now either dead or so disabled as to be unable to maintain them; another 8 per cent were farmers, or more correctly, farm laborers, whose earnings were never sufficient to maintain them even in the commonest decencies; 6.5 per cent were engaged in the building trades, most of them prior to the introduction of the present higher scales paid these workers, while about 3 per cent more were engaged in mining coal. Only a little over 10 per cent were engaged in what could be termed semi-skilled or clerical occupations. That fate, however, is no respecter of persons, is indicated by the fact that in our files we also have applications from a number of professional people such as doctors, teachers, politicians, merchants and persons of well-to-do families against whom fate has turned and who, through some misfortune, have lost their all and are now dependent.

### **Wages Earned**

Furthermore, although 57.5 per cent of these applicants are men, and almost half of the total number of applicants are under 75 years of age and three fourths under eighty years of age, 72 per cent are already without any definite remunerable occupation, while 86 per cent of the persons applying for assistance in these rural counties were without any wage income at the time of making application.

Of the 14 per cent claiming some earnings, 8 per cent, or more than one-half, eke out less than \$4 per week; 3 per cent earn from \$4 to \$7, and only 4 per cent earn over \$7 a week, whose claims, in accordance with the law have been rejected. Of the 28 per cent still claiming employment, about half are made up of women who merely continue to do their own housework.

Of the 722 applicants who stated the amount of their earnings at the time when they stopped working, we find that over one-third earned less than \$10 a week, while almost two-thirds of the total earned an average wage of less than \$15 a week. Only 5 per cent of these applicants claim to have earned wages in excess of \$25 per week. Inasmuch as many of these men and women were compelled to stop work years before they reached their seventieth year, it is evident that even if they had accumulated some meagre savings in their earlier years, it did not take long to have that "eaten up."

In view of these facts, it is indeed ludicrous to accuse these people of "improvidence" and "gross negligence" to provide for their old age.

Again, the study of these 1,271 applications reveals that only about one-fourth of these applicants failed to designate some special disability which was responsible for their failure to procure either permanent or temporary work. Three of every four applicants were already disabled either fully or partially to an extent that their incomes from wages had been either materially reduced or eliminated entirely.

How utterly dependent these aged become when their income from wages ceases is clearly shown by the fact that three-fourths of the total applicants examined have no other means of support except what they earn themselves or what their children can supply them with. Even in these mostly rural counties only less than one-fourth of the applicants have been able to save up a homestead; and not even one person in five was able to accumulate any savings



by the time he stopped working, while two-thirds of those who had managed to provide something, stated on oath that their average savings does not exceed \$150, which most of them do not wish to expend in order to make sure of, at least, a decent burial, even though fate never accorded them a decent living.

### **Do We Have a Caste System?**

If the pitifully small wages earned by these people, and their physical afflictions were not sufficient proof of the inability of these superannuated men and women under present conditions to provide themselves with funds for their declining days, when they no longer are able to face the hard struggles of our industrial world, the excellent character and hard-working propensities of these applicants are attested further by the following facts:

Of the 1,271 persons studied, 88 per cent have been married and reared families, sometimes of as many as ten or more children. On a wage which, at best, never provided them with even a minimum of comfort, practically half of these men and women reared families of four and more children. Most of these children are now married, with large families of their own. They are generally continuing in the same occupations their parents were engaged in, with but slight improvement in their earnings. Thus, the vicious cycle of poverty is perpetuated.

Indeed, the disclosures in our applications, shed a new light upon our entire social structure. When conscious of this, one cannot help wondering whether, in Republican Pennsylvania, to-day, we do not have a caste system as well rooted and impregnable as in any of the autocratic countries. For, it must be remembered that 1,166, or 92 per cent of the total applications examined were those of native born men and women, 58 per cent of them having lived in the same county all their lives. In the sixteen counties studied there was not a single applicant of foreign birth in two counties while four more counties had but one each. And yet, in spite of this overwhelmingly native group, we find that only in rare instances do the children of these applicants rise considerably above their parental environment. In case after case, it is disclosed that not only do the sons of a laborer or miner follow the father's occupation, but in the majority of cases even all his daughters marry people in the same occupations. Frequently, a person with six or eight children classifies them all either

as laborers or as married to laborers. A strikingly large proportion of these children continue to reside within the same county.

That in spite of their own poverty, these children make every effort to support their parents, is borne out by the fact that in 38 per cent of the total cases, the children constitute the sole support of their parents, while 12 per cent more are helped by their relatives, such as brothers and sisters and grandchildren. One-third of these applicants are still living together with their spouses. In the face of these disclosures, it would seem that there could be no question as to the wisdom and justice of a policy of continuing to maintain these families in their own homes with those near and dear to them, rather than to send them to the poorhouse at a generally higher cost to the taxpayers. Again, the fact that nearly one-third of these applicants have no children living at all, would seem a sufficient answer to the argument of the opposition that the old age assistance act would remove the responsibility of the support of parents by their children.

### **What Employers Say About These Applicants**

Even more impartial testimony as to the good character of these applicants was secured by our commission from another source. Of 350 letters addressed to former employers of these applicants, which were selected at random, over 95 per cent of the replies received give these aged persons the highest recommendations as both citizens and employees. Most of these men, and even many women had been employed by these concerns for many years, frequently for thirty and forty years or more, to whom they have rendered excellent service; and many employers, aware of the plight of these people, express the hope that the state will, at least, be able to help out these worthy and deserving producers.

### **"But How About the Cost?"**

It is obvious, therefore, that from every point of view, the old age assistance law is not only a sorely needed piece of legislation, which has long been overdue, but is also a most just and humane method of care of our dependent aged and is in accordance with the enlightened policies of our age and all progressive nations.

"But, how about the cost? cries the taxpayer opposed to this legislation.

Let us, for a moment, proceed to analyze this.

With characteristic disregard for either facts or candor, the

complainants in their brief and in their agitation throughout the state against our law continuously contend that "the minimum cost of the old age pension system, if enforced in accordance with the provisions of the act will be approximately \$25,000,000 per annum for the next ten years." This, they base upon an imaginary assumption that one-third of the persons 70 years of age and over in the state would qualify for assistance under the act. That this fabricated number is baseless and represents nothing but ignorant prejudice, and has been invented for purposes of malicious propaganda in order to prevent the state from providing a better system of care for the worthy aged, will become obvious to you in a moment.

According to the United States Census of 1920, the population of Pennsylvania in that year was 8,720,017. The same census shows that of this total 226,933 or 2.6 for every hundred population, were persons 70 years of age and over; in other words, for every 1,000 persons in the state, 26 are 70 years of age and over. Now, if the arguments of the opposition should be correct, at least 8.7 of every 1,000 persons in the state would qualify for old age assistance under our law. How absurd this is, is evident from the following:

We have thus far been able to study the findings of 30 counties, with a total population of 2,155,119, or approximately 25 per cent of the total population in the state, in which most of our local boards have been very active since their organization. These boards have done a good deal of scouring through their respective counties and, by means of extensive publicity, urged all qualified persons, despite the meager appropriations available, to file their applications with their respective boards. Many of these boards feel that the applications already received, cover almost 100 per cent of the needy aged in their counties. Practically all county boards feel that the applications filed with them constitute at least more than half of the probable total. These 30 active counties received a total of 2,935 applications, constituting but 1.36 applicants for every 1,000 persons of the general population in these counties; in other words these applications are 84 per cent below the estimated number made by the complainants.

Should the percentage of the applications received in these thirty counties hold true for the entire state, the total number of applicants in the state would rise to 11,859 involving a cost of \$4,328,535, or \$20,671,465 less than is estimated by the complainants.



Suppose now we concede that in view of the court complications and the lack of money, there was some hesitation on the part of many applicants, and not all the needy persons in these counties have applied. As stated before, many of the county boards assert—and the large number of applications filed in some counties would seem to bear out—that these applications represent practically all the qualified applicants in their counties. But for the moment let us suppose that the applications received so far represent only one-half of those who would actually apply when the law becomes effective. It would still mean that there would be no more than a total of 23,718 applicants, necessitating a total expenditure of \$8,657,070 per year, or still \$16,342,930 less than is estimated by the opposition.

### **The Actual Cost**

But, it must be remembered that this is based upon the total number of applications filed with the county boards. As a matter of fact, of the 1,847 applications upon which these boards have been able, up to November 1, to decide definitely, we find that 243, or 31.16 per cent, of these were rejected entirely. Assuming that, at least, this percentage would hold true throughout the state when money becomes available—and the likelihood of rejections will obviously be greater then—and giving no consideration to the fact that probably a considerable percentage would be disapproved by the state commission, which has a final check-up on these, it would mean that there could not possibly be more than 20,600 grants made, involving a total of \$7,519,000 per year.

These figures, however, are all based upon the assumption that all grants made are at an average of \$30 per month or \$365 a year—the maximum allowed by law. As a matter of fact, the average pension allowed in the 30 counties studied really amounts to \$20.36 per month, or \$244.32 per year. When this is multiplied by the probable number of individuals, who might qualify under the law, the total probable cost of the old age assistance act, based upon as careful and scientific figures as are ascertainable would not exceed \$5,032,922 per annum, and not the ridiculous sum put up by the opponents for the sake of propaganda against this humane and just legislation.

### **Incomparably Cheaper Than The Almshouse**

Now, if we should spend this sum of \$5,000,000 per year, we would be able to take care of more than twice the number of

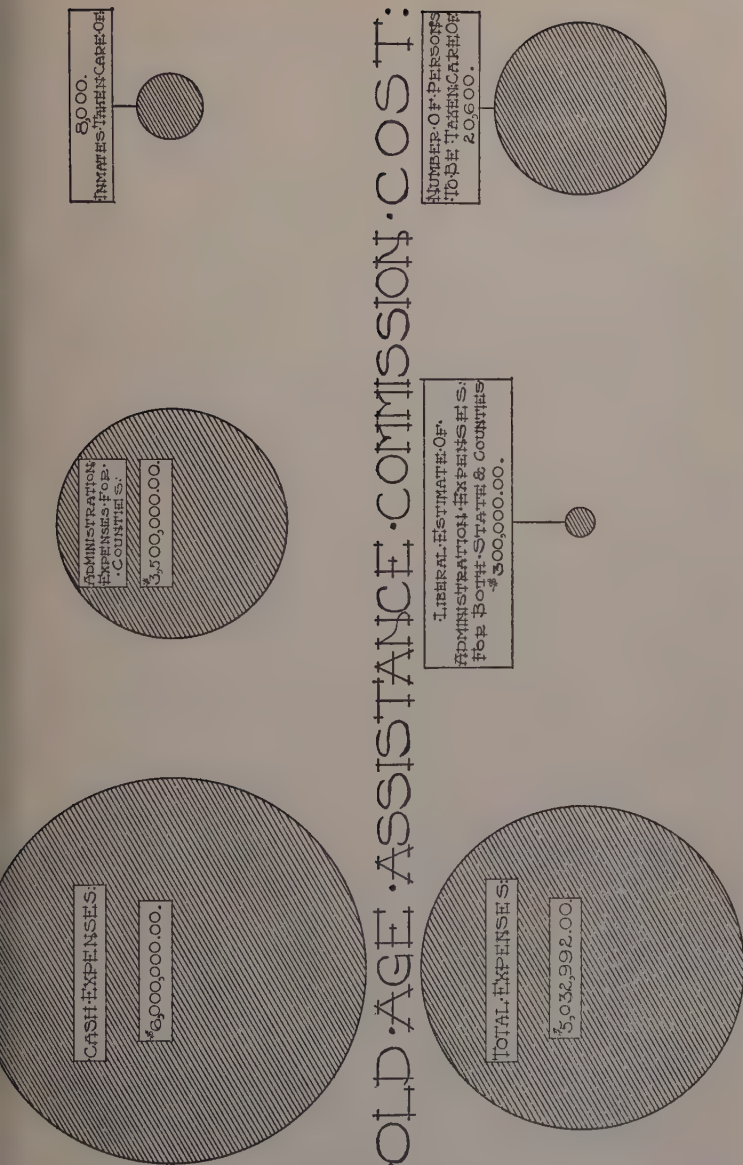
people now supported in our almshouses, upon which institutions we are now making an annual cash expenditure of approximately \$6,000,000 a year. And this item does not include the thousands of dollars worth of food, consumed in the county homes, which is raised on the county farms, nor does this total include the interest on the over \$16,000,000 investment involved in these county homes, only 5 per cent of which would add \$800,000 more to the total cost, thus making a real expenditure of nearly \$7,000,000 per year on less than half the number of persons we could support in their own homes in a much happier fashion and without the odious stigma of pauperism.

Again, when it is remembered that thousands of dollars would revert back to the state, through the properties of the applicants, which are to be taken over by the state under the law and from which proceeds, after the death of the applicant, the full amount paid by the state, is collected with interest, can there still be a doubt as to the incomparable cheapness and efficiency of old age assistance legislation?

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## Crystallizing Public Sentiment

“I KNOW it is said, ‘Oh! legislation amounts to nothing unless there is public sentiment to back it,’ and this is true. But this agitation will create public sentiment, in fact it is never brought into existence in any other way and it generally takes time, much hard work and much tribulation to create it, and has it occurred to you that public sentiment usually accomplishes little in matters of this kind until it crystallizes into legislation? In fact, society gives expression to its public sentiment on a public question by means of legislation. While legislation not backed by public sentiment may be a dead letter, public sentiment produces definite and lasting results only through legislation. Moral suasion and the benign influence of religion are beautiful, but unfortunately in all ages there have been men who went straight from the sanctuary into the world and plundered and trampled on the weak, and what is more they lost neither their seats nor their influence in the temple, so that after all it is legislation which protects the lowly, and legislation itself is a matter of growth. It is scarcely ever efficient at first and only after experience has suggested the necessary alterations and amendments does it become potent. \* \* \* It is a curious and sad fact that in the long, weary, upward march of the human race there was scarcely ever an act proposed for the protection, emancipation or elevation of the poor but met with the most violent opposition from the so-called better classes as well as from statesmen, philosophers, and from many of the clergy.”—GOVERNOR JOHN P. ALTGELD.



## Old Age Pensions Much Less Costly Than Existing Poorhouses

THE above chart shows at a glance how ill-founded is the claim that statewide old age pensions, to take the place of poorhouses, will throw "a heavy burden of cost on the state." Here is shown graphically the cost and number of persons cared for under the almshouse system in Pennsylvania as compared with a reliable estimate of the cost and number of persons to be cared for under the recently enacted old age assistance law. The figures are taken from a detailed study—a veritable mine of newly-acquired information—recently made by the Pennsylvania Old Age Assistance Commission. Under the antiquated almshouse system, it is costing \$6,000,000 in cash a year to care for 8,000 aged dependents, with the cost of county administration totaling \$3,500,000. Under the old age assistance law, it will cost only about \$5,032,992 to care for 20,600 persons at an administrative cost for both state and counties as low as \$300,000. (See article on page 292.)



# Old Age Assistance Law Superior to Almshouse System

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Experience in Pennsylvania Shows Poorhouses More Costly than Old Age Pensions

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By MRS. JANET WORKMAN

*Secretary, Washington County Old Age Assistance Board*

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(EDITOR'S NOTE: Mrs. Workman's address at the Pennsylvania State Conference on Old Age Assistance, part of which is here presented, contains an illuminating comparison of the cost of poorhouses in a typical county with the cost under an old age pension law—with the advantage decidedly in favor of the latter.)

IT is a well known fact that our entire system of poor relief and almshouse care are antiquated institutions, relics of a civilization long past, totally unsuited to modern conditions and which should have been overhauled many years ago. Our poor laws dating back over three hundred years, and the needs long having outgrown the almshouse as an effective institution, it is difficult to conceive that we could have gone on until this day with the instruments provided three hundred years ago, practically unchanged. This is even more puzzling when it is remembered that our very poor laws, which have originated in England, have long ago been overhauled in the mother country and new methods instituted. Originally intended as a place where the decrepit aged may find comfort in their declining days and some employment when able to do so, the almshouse to-day has become instead a place of refuge for all unfortunates, and the dreaded spectre of all.

The general impression that our poorhouses represent the cheapest and most economical method of care of the dependent aged, is certainly without foundation. The only explanation of this belief is the fact that, until very recently, there was no adequate system of accounting provided in calculating the cost of maintaining the poor, to the county or township. As the Old Age Pension Commission stated in its 1919 report: "The state supervision of these aged homes is insufficient, loose and hardly competent. Careful records are kept in only few institutions. There is no uniform method of accounting. Computations of costs are made in almost as many

forms and methods as the men making them. Many of the per capita costs of almshouses given in the reports of the board of public charities do not represent the actual cost. The latter do not include the interest upon the permanent investment and, in many cases, do not include the value of farm products."

Thus, for instance, in the case of my own county, the commission found that while the average per capita per week in 1917, as given by the poor directors to the board of public charities, was \$2.03, the commission's figures based on the total expenditures made that year and divided by the number of days' support in the institution showed a weekly expenditure of \$8.76 per capita, or approximately \$35 per month.

In 1923, the average daily per capita cost in Washington county is reported to the department of public welfare as amounting to 76 cents, or \$5.32 per week. That this figure, however, does not represent the real cost to the county of supporting an inmate in our county home, is clearly apparent when it is noted that in the total almshouse expense of \$67,934.30, as given by the directors of the poor for that year, no item of the produce raised on the county farm and consumed in the home, is included. Obviously, the fact that 150 acres of farm land are under cultivation and that but little of the products raised are sold outside, would, if properly accounted, add considerably to the total expenditures.

Furthermore, no mention is made in this total in regard to the interest upon the permanent investment involved, which although from the viewpoint of any sound business man, must always be reckoned as part of the expenditures, seem at no time to be considered in the case of our county institutions. The investments embodied in the land and buildings of our county farm are estimated at least, at \$350,000. Even 5 per cent interest on this investment gives a total of \$17,500 per year, which must be added to the expenditures of the county home. When this is divided by the 211 inmates in the home, \$83 per year, or \$1.59 per week, must be added to the per capita cost of every inmate. Thus, the total weekly per capita cost of supporting an inmate in the Washington county home—with only 5 per cent interest on the permanent investment added, but no account still being taken of the food consumed from the county farm—amounts really to \$6.91, or in round figures \$7 per week, rather than the \$5.32 given by the county controller. It is this price, at least,

that we pay for separating an aged man from his beloved wife and for imposing the odious stigma of pauperism upon him. And it is this \$7 weekly per capita cost in our almshouse that we must contrast with the average allowance of \$21.43 per month, per applicant, made so far by our county old age assistance board.

Again, in 1923, according to the report submitted by the directors of the poor to the department of public welfare, \$14,538 of a total almshouse expense of \$67,934.30, or practically 21.5 per cent, was spent on "Salaries and Expenses" alone, exclusive of all other overhead charges; in other words, \$21.50 of every \$100 appropriated for the poor in the almshouse was spent in paying the men for delivering this money.

In the five months our board has been in existence, we spent, up to October 10, a total overhead expense of \$12.70. For this munificent sum, we have been able to check up and to act upon 70 applications, most of which need not be re-investigated when money becomes available, granting allowances to 61 persons, up to a total of \$15,684 per year. Thus, under the old age assistance act, we have been able to carry on our business at an overhead expense to the county of less than eight cents per hundred dollars distributed, while, in the case of the almshouse, this same overhead is \$21.48 per hundred dollars, or 268 times as much.

The state's expense in administering this money from that end, judging from the budget asked by the commission for the next biennium, is actually below what it cost the state to-day in supervising the county homes through the bureau of maintenance in the department of public welfare.

Thus, the old age assistance act is not only a superior and more humanely just instrument of meeting the needs of the dependent aged than the antiquated poor house, but it is even economically a far less expensive method.



## The High Cost of Poorhouses

By DR. ELLEN C. POTTER

*Secretary, Pennsylvania Department of Public Welfare*

**I**T is hardly realized by our citizens what important functions our county governments have in caring for their needy and distressed. This is most easily reflected in their poor taxation. In the ten year period—1914-1923—the 67 counties in Pennsylvania raised \$95,000,00 for poor relief purposes. In 1922—the last year for which complete figures are available—our counties spent \$5,550,000 on the maintenance of their almshouses; they gave more than \$1,500,000 in outdoor relief; and with a number of smaller items **the aggregate expenditures for poor relief purposes were well nigh \$10,000,000.**

It must be clear that in order to have such large monetary outlays go as far as possible in the alleviation of poverty only the most efficient modern methods should be employed and the strictest economy be observed. It cannot be said that Pennsylvania at the present moment is utilizing its opportunities to the utmost in this respect. One reason for it is our slowly changing conceptions of what poor relief ought to be. The chief hindrance, however, is the multiplicity of our poor laws—many enacted for special purposes decades ago which have long since become inoperative.

The most important instruments through which we are caring for our indigent poor are our 85 almshouses or poor farms varying in size to accommodate from one to over 1,000; exhibiting wide differences in equipment and administration. These almshouses report a value of land, building and equipment of over \$16,000,000, and own over 17,000 acres of land of which more than 10,000 were reported to be under cultivation.

**To support an average of more than 8,000 poor in our almshouses in 1922 we spent over \$2,000,000 on their direct maintenance and expended almost \$3,500,000 on our almshouse administration.** It took over 1,000 paid employees to look after the inmates of our almshouses.

# Miners' Committee Finds Poorhouse System Costly and Inhuman

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## Study in Illinois Points to Advantages of Old Age Pensions

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A RECENT investigation of poor houses in Illinois by the old age pension committee of the United Mine Workers of America has led the committee to the conclusion that care of aged dependents through old age pensions will be not only more humane than that afforded by the poor house system but also more economical.

Eighty of the county homes in Illinois were visited by the committee—William Mitchell, Evan Evans and John Hutchinson. In its report of October 22, the committee states:

The eighty homes visited comprise 14,417 acres of land, valued at \$2,565,425 with building and furnishings valued at \$6,176,279, making a total investment of \$8,741,704. In these institutions there are at the present time 2,684 inmates. Allowing 4 per cent on the investment would mean \$130 to each inmate. Add to this the average cost of maintenance which is, according to the figures furnished us, \$5.30 per week, or \$275.60 per annum, making a total cost of \$405.60 per annum. In addition to this sum something should be allowed for insurance and repairs so that we find the present system to be a costly one to say nothing of the cruel and inhuman method employed in caring for our aged and helpless dependents.

Of the 2,684 inmates, 2,177 are 65 years of age and over; of these 870 could readily find good homes if paid a reasonable pension not to exceed \$300 per annum, according to the statements of the various superintendents, and a much larger per cent, according to interviews held with the inmates. We also found that the combined salary of the superintendents of these institutions amount to \$104,778 annually; attending physicians \$27,607 in salaries, while quite a number are paid by the visits; and about \$73,406 is paid for extra help. Of the eighty superintendents interviewed fifty-three favor old age pensions, eight are opposed and nineteen are doubtful. The superintendents in addition to their salaries are furnished with a residence and living expenses.

Even in "the very best" of the county institutions, those "where the inmates had nothing but praise" for their treatment, the committee finds, "it was a touching sight to see how their old faces would light up with joy and hope at the mere suggestion of a pension that would enable them to go home, however humble it might be, and live and die among friends, familiar scenes and happy associations now lost to them forever."

# Old Age Pension Bill

(EDITOR'S NOTE): Following official investigations, notably in Pennsylvania, interest in old age pension legislation developed to a point late in 1922 where at least four organizations—three of them national in scope—were preparing drafts of bills. The Association for Labor Legislation proposed, in the interest of improved draftsmanship and more uniform legislation, that a representative conference be held. Out of this effort there emerged one draft which has been called "the standard bill" and which was used as the basis of the pioneer legislation adopted in 1923 in Pennsylvania, Montana, Nevada, and for amendments in Alaska. It is recognized by all that each state should exercise care in adapting this form to local administrative and constitutional requirements, bearing in mind also the importance of simplicity and economy.

## A BILL

*Providing for the Protection and Assistance of Aged Persons under Certain Conditions in the State of ..... and Prescribing Penalties for Violation of the Provisions Hereof and Making an Appropriation for the Carrying Out of Its Purposes.*  
(Fill in State.)

SECTION 1. Be it enacted by the Senate and House of Representatives of the State of ..... (Fill in enacting clause and date when law is to begin.)

Subject to the provisions and under the restrictions contained in this act, every person while residing in the State of ..... shall be entitled to a pension in old age.  
(Fill in State.)

(a) That there shall be an old age pension commission, hereinafter termed "the Commission," which shall be composed of three citizens of the State of ..... who shall be appointed by the governor for a term of four years, except that, of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Each member of the Commission shall receive as compensation, in addition to the necessary expenses incurred in the performance of his duties, ten (\$10.00) dollars per diem while actually engaged in the business of the Commission. Vacancies shall be filled for the unexpired term of the vacant position in the same way as the original appointments.

(b) The Commission shall appoint an old age pension superintendent, hereinafter termed "the Superintendent," who shall be a person having had experience and training in relief, familiar with the social and economic conditions of the State of ..... (Fill in State.)

and qualified by reason of character, training, and experience.

(c) The Commission shall fix the salary of the Superintendent, which shall not exceed ..... thousand dollars per annum, and the Superintendent with the approval (Fill in Amount.)

of the Commission shall appoint the necessary number of assistants and fix their duties and salaries within the appropriation by the Legislature.

(d) There shall be established in each county a county old age pension board, hereinafter known as "the Board," to consist of three persons domiciled in the County, who shall be appointed by the governor for a term of four years, except that, of the members first appointed, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. Vacancies shall be filled in the same way in which the original appointment was made. The members of the Board shall serve without pay, except that the necessary expenses incurred while in the performance of their duties shall be paid to them upon proper vouchers therefor.

(e) The Commission shall have authority to make such rules and regulations as are necessary to carry out the provisions of this act.

(f) The Board, from a list submitted to it by the Commission, may with the approval of the Superintendent, appoint one or more local investigators, who shall be trained and experienced in the problem of relief, at a salary for each of not to exceed ..... thousand dollars per annum.

(Fill in exact amount.)

(g) The Commission and the Board shall meet regularly every three (3) months and at such other times as may be necessary, at such places as may be fixed by the rules of the Commission.

## Allowance

SECTION 2. The amount of pension shall be fixed with due regard to the conditions in each case, but in no case shall it be an amount which, when added to the income of the applicant, including income from property, as computed under the terms of this act, shall exceed a total of one dollar a day.



## Qualifications of Claimants

SECTION 3. An old age pension may be granted only to an applicant who:

- (a) Has attained the age of seventy (70) years or upwards.
- (b) Has been a citizen of the United States for at least fifteen (15) years before making application for a pension,
- (c) Resides in the State of.....and,

(Fill in State.)

(1) Has so resided continuously for at least fifteen (15) years immediately preceding the date of application, but continuous residence in the State shall not be deemed to have been interrupted by periods of absence therefrom if the total of such periods does not exceed three (3) years, or,

(2) Has so resided forty (40) years, at least five (5) of which have immediately preceded the application:

Provided, that absence in the service of the State of..... or of the

(Fill in State.)

United States shall not be deemed to interrupt residence in the State if a domicile be not acquired outside the State.

(d) Is not at the date of making application an inmate of any prison, jail, workhouse, infirmary, insane asylum, county or district poorhouse, or any other public reform or correctional institution.

(e) During the period of ten (10) years immediately preceding such date has not been imprisoned for four (4) months or more, for any offense for which he was sentenced to prison without the option of a fine.

(f) For six (6) months or more during fifteen (15) years preceding the date of application for relief, if a husband, has not deserted his wife or without just cause failed to support her and his children under the age of fifteen (15) years; if a wife, has not deserted her husband or without just cause failed to support such of her children as were under age, and she was bound to support.

(g) Has not, within one (1) year preceding such application for pension, accepted public charity or been a professional tramp or beggar.

(h) Has no child or other person responsible under the law of this State for his support and found by the Board or by the Commission able to support him.

SECTION 4. (a) An old age pension shall not be granted to a person if the value of his property exceeds three thousand (\$3000.00) dollars, or, if married and not separated from husband or wife, if the value of his property together with that of such husband or wife, exceeds three thousand (\$3,000.00) dollars.

(b) The claimant must not have deprived himself, directly or indirectly, of any property for the purpose of qualifying for old age relief.

SECTION 5. (a) The annual income of any property which does not produce a reasonable income, shall be computed at five (5) per cent of its value as determined by the Board.

(b) The income of the applicant shall be his income for twelve (12) months preceding the date on which his application was made.

(c) The property owned at the date of application for relief shall be taken as property of the applicant for the purposes of this act.

SECTION 6. (a) On the death of a person pensioned under this act or of the survivor of a married couple, both of whom were so pensioned, the total amount paid as pension together with simple interest at three (3) per cent annually shall be allowed and deducted from the estate by the court having jurisdiction to settle the estate and paid into the treasury of the State of.....

(Fill in State.)

(b) If the Commission deems it necessary to protect the interest of the State of....., it may require as a condition to the grant of a pension

(Fill in State.)

certificate, that all or any part of the property of an applicant for a pension be transferred to the Commission. Such property shall be managed by the Commission, which shall pay the net income to the person or persons entitled thereto. The Commission shall have power to sell, lease, or transfer such property or defend and prosecute all suits concerning it and to pay all just claims against it and to all other things necessary for the protection, preservation, and management of the property.

(c) The Attorney General at the request of the Commission shall take the necessary proceedings and represent and advise the Commission in respect to any matters arising under this section.

## How Administered

SECTION 7. An applicant for a pension shall deliver his claim in writing to the Board of the County in which he resides, in the manner and form prescribed by the Commission. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point.

SECTION 8. (a) The Board, directly or through an investigator, shall promptly make investigations and, if it approve the application, make a recommendation of the amount of the pension to be allowed, or if it disapprove, make a recommendation that no pension be allowed, and shall send a copy of the application, its recommendation, and the reasons for its decision to the Commission with such supporting papers as the Commission may require. The Commission may thereupon make investigation as it sees fit through the Superintendent or through the Board making the recommendations, and may direct a rehearing before the Board, of which the applicant shall have at least ten

(10) days' notice, and at which he *may* appear and offer evidence. The Commission shall decide upon the application, and fix the amount of the pension, if any, and its decision shall be final. An applicant whose application for a pension has been rejected, may not again apply for a pension until the expiration of twelve (12) months from the date of his previous application.

(b) For the purpose of such investigation the Commission, and the Board shall have the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers. All witnesses shall be examined on oath and any member of the Commission or of the Board may administer said oath.

SECTION 9. (a) The Commission shall issue to each applicant to whom a pension is allowed, a certificate for one year, stating the amount of each installment, which may be monthly or quarterly as the Commission may decide.

(b) A pension certificate shall be required for each subsequent year, to be issued by the Commission after such investigation as it may deem necessary, and the amount of the pension may be changed if the Commission finds that applicant's circumstances have changed.

SECTION 10. The pension, if allowed, shall commence on the date named in the certificate, which shall be the first day of the calendar month following that on which the petition was received by the Board.

SECTION 11. (a) If at any time during the currency or continuance of an old age pension certificate, the recipient or the wife or husband of the recipient becomes possessed of any property or income in excess of the amount allowed by law in respect to the amount of pension granted, it shall be the duty of the recipient immediately to notify the Board of the receipt and possession of any such property or income, and the Board may, on inquiry, and with the approval of the Commission, either cancel the pension or vary the amount thereof during the period of the certificate, and any excess pension paid shall be returned to the State of .....  
(Fill in State.)

be recoverable as a debt due the State of .....  
(Fill in State.)

(b) If, on the death of any pensioner, it is found that he was possessed of property or income in excess of the amount allowed by law in respect to the amount of the pension, double the total amount of the pension in excess of that to which the recipient was by law entitled may be recovered by the Commission as a preferred claim from his estate and paid into the treasury of the State of .....  
(Fill in State.)

SECTION 12. On the death of a pensioner such reasonable funeral expenses for burial shall be paid to such persons as the Board directs; provided that these expenses do not exceed one hundred (\$100.00) dollars and provided further that the estate of the deceased is insufficient to defray these expenses.

SECTION 13. (a) While a pensioner is an inmate of any charitable, benevolent, or fraternal institution, the amount of pension shall be paid to the governing authorities of that institution and shall be applied toward defraying the actual expenses of such persons in such institution provided that the Commission has approved, and that it and its agents are permitted freely to visit and inspect said institution; and provided further that any moneys remaining after defraying such costs shall be paid to the recipient. It shall not be lawful, however, for the authorities of any charitable institution receiving public moneys to refuse admission as an inmate of such institution or to refuse relief on the ground that the person is a pensioner under this act.  
(b) During the continuance of the pension no pensioner shall receive any other relief from the State of ..... or from any political sub-division  
(Fill in State.)

thereof except for medical and surgical assistance.

(c) If the pensioner is, on the testimony of at least three reputable witnesses, found incapable of taking care of himself or his money, the Board may direct the payment of the installments of the pension to any responsible person or corporation for his benefit. It shall be within the power of the Commission to suspend payment, for such period as the Board shall recommend.

SECTION 14. All pensions shall be absolutely inalienable by any assignment, sale, execution or otherwise, and in case of bankruptcy, the pension shall not pass through any trustees or other persons acting on behalf of creditors.

### Fines, Punishments, and Criminal Procedure

SECTION 15. If at any time the Commission has reason to believe that a pension certificate has been improperly obtained, it shall cause special inquiry to be made by the Board and may suspend payment of any installment pending the inquiry. It shall also notify the Board of such suspension. If on inquiry it appears that the certificate was improperly obtained, it shall be cancelled by the Commission, but if it appears that the certificate was properly obtained, the suspended installments shall be payable in due course.

SECTION 16. Any person who by means of a willfully false statement or representation, or by impersonation, or other fraudulent device obtains, or attempts to obtain, or aids or abets any person to obtain:

- (a) A pension certificate to which he is not entitled;
- (b) A larger pension than that to which he is justly entitled;
- (c) Payment of any forfeited installment grant;

(d) Or aids or abets in buying or in any way disposing of the property of a pensioner without the consent of the Commission; shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred (\$500.00) dollars or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

SECTION 17. (a) Any person who violates any provision of this act for which no penalty is specially provided shall be subject to a fine not exceeding five hundred (\$500.00) dollars or to undergo imprisonment not exceeding one (1) year, or both, in the discretion of the court.

(b) Where a pensioner is convicted of an offense under this section the Commission may cancel the certificate.

SECTION 18. If any pensioner is convicted of any crime, misdemeanor, felony, or other offense, punishable by imprisonment for one (1) month or longer, the Board shall direct that payments shall not be made, during the period of imprisonment.

#### Funds and Expenses

SECTION 19. The funds for the payment of old age pensions shall be furnished by the State of.....

(Fill in State.)

SECTION 20. (a) All expenses incurred by the Commission in administration, investigation, and salaries shall be borne by the State of....., and the

(Fill in State.)

sum of.....thousand dollars for the next.....

(Fill in exact amount.)

(Fill in number.)

years is hereby appropriated for this purpose.

(b) All expenses incurred by the County Boards in administration, investigation, and salaries shall be paid by the County Treasurer from the moneys of the County in the same way as other expenses of the County.

#### Annual Report, Hearings, Etc.

SECTION 21. Within ninety (90) days after the close of each calendar year, the Commission shall make a report for the preceding year, stating:

(a) The total number of recipients.

(b) The amount paid in cash.

(c) The total number of applications.

(d) The number granted, the number denied, the number cancelled during that year, and such other information as the Commission may deem advisable.

SECTION 22. All methods of procedure in hearings, investigations, recording, registration, and accounting pertaining to the old age pensions under this act shall be in accordance with the rules and regulations as laid down from time to time by the Commission.

SECTION 23. Every pension granted under the provision of this act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing act that may hereafter be passed and no recipient under this act shall have any claim for compensation or otherwise by reason of his pension being affected in any way by any such amending or repealing act.

SECTION 24. That wherever used in this act the masculine includes the feminine.

SECTION 25. Within ninety (90) days of the signing of this act, the Governor shall appoint the members of the Commission.

SECTION 26. This act may be cited as the Old Age Pension Act of the State of .....

(Fill in State.)

SECTION 27. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.



# Progress of Unemployment Insurance in the Cloth Hat and Cap Industry

By J. M. BUDISH  
*Editor, The Headgear Worker*

IT was only a year and a half ago that action was begun looking to the adoption of unemployment insurance in the cloth hat and cap industry. Already unemployment insurance funds are an established fact in the important markets of St. Paul, Philadelphia, Chicago and New York.

The movement for the introduction of unemployment insurance in the United Cloth Hat and Cap Makers was put on the order of business by our last convention, May, 1923. The convention instructed the general executive board to make an effort to establish a system of unemployment insurance in the various markets of the cap trade. The resolution on this subject emphasized that no matter what system may be finally agreed upon between the employers and our organization "the administration of such an unemployment fund should in any case rest entirely with our organization."

It was the sentiment of the convention that the distribution of unemployment benefit involves so many intimate connections with the workers that it must be kept entirely under the control of the organized workers themselves without any participation of the employers in it.

In accordance with this resolution the demand for unemployment insurance was included in the negotiations with the employers for the renewal of our agreements in the various markets.

The first agreement to be renewed was that in the St. Paul market—renewed in October, 1923. That agreement established the following system of unemployment insurance: The employers paid to the union every week 5 per cent of their payroll. This payment was considered as a deposit to guarantee that the workers will be employed for forty-eight full weeks or more during the year. Failing such employment the payments made by the manufacturers were to be retained by the union and go to its unemployment fund; this fund to be entirely under the management and control of the union. There was, however, a gradation. The entire 5 per cent was to be retained only in case the workers were employed for forty-three weeks or less. For every week above forty-three with which the workers were supplied with employment, the union was to return to the manufacturers 1 per cent or one-fifth of the total deposits.

In case they were employed the specified forty-eight full weeks the entire 5 per cent was to be returned to the manufacturers.

This agreement has been in operation for one year and has now been renewed, the bulk of the market changing their plan to conform with that recently put into operation in the New York, Chicago and Philadelphia markets.

In these three markets the agreement with regard to unemployment insurance was concluded in July, 1924, and became operative on September 1, 1924. This agreement provides for an unconditional payment by the manufacturers of 3 per cent of the weekly payroll to the union's unemployment fund. This payment is to be retained by the union independently of the number of weeks during which the workers may be supplied with employment. The employment fund thus formed is the exclusive property of the union and is under the exclusive management and control of the union.

In accordance with the agreement between the union and the manufacturers in the markets mentioned, this fund is to be devoted by the union exclusively to the payment of unemployment benefit and for no other purpose. The constitution of the unemployment fund recently adopted by the New York union, containing the rules and provisions under which the members are entitled to unemployment benefit, as well as the amounts to be paid, and other matters relating to the operation of the fund, will doubtless serve as a model for the other markets and in all probability will be adopted by them without any change.

Since the fund became operative the payments have been made promptly by the manufacturers in accordance with the agreement. Payment of benefit will begin on June 30, 1925.

The principles on which our agreements with the manufacturers are based are: (1) that unemployment is to be considered as a hazard of industry and the cost of unemployment insurance shall be carried by the industry as an overhead expense on exactly the same basis as the cost of any other hazard of industry, such as fire, accident, etc., and (2) that the payments by the employers to the fund are to be considered as an increase in wages with the only difference that instead of being paid to every individual worker separately, it is to be paid to all of them collectively through the union. As a logical sequence the payments are entirely the property of the workers or their union and the fund is to be entirely and exclusively under the control and management of the union.

# A Victory for Effective Compensation Law Administration

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## A Two Years' Struggle to Save the Occupational Disease Feature of the Federal Accident Insurance Act

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By BESSIE P. BRUEGGEMAN

*Chairman, United States Employees' Compensation Commission*

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(EDITOR'S NOTE: Friends of workmen's compensation and of effective labor law administration will doubtless read with especial interest the following first hand account of the controversy which for a time threatened one of the most beneficent features of our federal accident compensation act. It was a controversy in which the highest administrative officials of our country participated. Its large significance lies in its somewhat dramatic revelation of the unexpected gauntlets that often have to be run by conscientious administrators. Fortunately, the outcome was a blow at unwarranted usurpation of power, bureaucratic interference and narrow legalistic interpretation, and a victory for the commission form of administration. Employees' on Uncle Sam's pay roll who fall victim to occupational diseases in the course of duty will continue—as Congress all along intended they should—to enjoy the protection of the compensation law.)

IMAGINE the surprise of the United States Employees' Compensation Commission when in 1922 the Comptroller General of the United States issued what he considered a manifesto stating that the commission was awarding claims for compensation that were clearly outside of the act which it administered; that the act only covered accidents in the strictest sense of the word, and that the commission should immediately take off of the pay roll and remove from the hospitals all claimants suffering from occupational diseases!

Comptroller General McCarl undertook to hold that the act included only such accidents as could be clearly traced to the very hour of their occurrence.

Such an announcement coming from such a source as the comptroller general's office—which is clearly an accounting office and not a legal department of the government in the sense of the Attorney-General's office—caused amazement and consternation in the minds of the commissioners.

The federal accident compensation act states that compensation shall be awarded "for a personal injury sustained while in the per-

formance of duty." This term "personal injury" in the compensation thought of the world is always considered as pertaining to any disability, whether accident or disease, which is the result of one's employment. Where this is not the case, the law usually states, "personal injury, the result of accident." Therefore, every commission which has administered the act since its enactment in September, 1916, has so construed it without any thought as to any other interpretation.

In the manifesto of Comptroller General McCarl, the commission found itself confronted with what appeared to be a wholly arbitrary assumption of jurisdiction. The sense of the law and the proper function of the commission were at stake. We finally decided to combat this action and a letter of protest was sent to the comptroller general signed by myself as chairman of the commission.

Our protest caused keen interest throughout official Washington, since Comptroller General McCarl had been seriously interfering with the work of other departments, commissions and bureaus by insisting upon the most narrow and technical view of their functions. He immediately demanded that our commission submit for his review a large number of cases in which we had awarded compensation for occupational diseases. We complied with his demand, thinking it was the best and quickest way to aid in clearing up what appeared to be a serious misunderstanding of an act of Congress.

His next move did not come until late in April, 1923, and then he adhered to his former stand. This move was not taken until the very closing days of Congress, when it was known that it would be difficult for the commission to obtain relief.

However, two of the commissioners went at once to the chairman of the House judiciary committee, Mr. Volstead, as it was in this committee that the original hearings on the act were held, Mr. Volstead himself having been a member of the committee at that time.

Although it was near the end of the session, when it was almost impossible to consider new legislation, Mr. Volstead was so interested and alarmed at what had occurred that he immediately called a full meeting of the committee for the following morning. The commissioners appeared and had a hearing for fully two hours. Whereupon the committee immediately reported, with unanimous approval, a simple amendment reiterating in unmistakable terms the intent of Congress to include occupational diseases in the law.



Comptroller General McCarl was now placed in the position of pitting his own arbitrary interpretation of the law and attempted usurpation of power not only against the duly constituted administrative commission but also against the House of Representatives itself. He did not, however, voluntarily withdraw from his position. On the contrary he set about to defeat the amendment in the Senate.

He sent to the chairman of the Senate judiciary committee the cases which we had submitted to him but **with his own interpretation of them.** This interpretation was so far from the real facts of the cases that it could only cause the greatest confusion. It caused misunderstanding of the reasons for the commission's allowances. This led the Senate to feel that the situation was serious, requiring time for consideration, and Congress was then on the eve of adjournment. So it passed an emergency amendment which allowed the commission to keep on its pay rolls and in its hospitals for one year all cases of occupational diseases it had allowed up to this date, but not allowing the approval in the meantime of any new cases of this nature. The idea was that when Congress convened the following December, the controversy could then be finally settled. Congress adjourned on Sunday, March 4, 1923. The emergency amendment was passed at two-thirty Sunday morning and was immediately concurred in by the House, which felt that it gave us something to go on, and it was the first bill signed by President Harding on Sunday morning.

The bill became effective at once but the commissioners realized it left them with a crippled act. They were now for the ensuing year clearly prevented from interpreting the act as intended by its creators.

Unwilling to let the situation stand in this way, they went to President Harding with a request that an opinion be obtained from the Attorney General. The commissioners only wanted to administer the act as it was originally intended. If they had been wrong up to this date, they desired to know it. Certainly it was felt that the comptroller general would also wish to know if his interpretation was a correct one. President Harding immediately gave his consent and requested an opinion from the Attorney General.

After many weeks of study of the compensation act and of the controversy brought on by the comptroller's office, the Attorney General issued an opinion declaring that the commission had rightly

interpreted the act, and that from a study of the conferences held during the creation of the law it was very evident that it covered occupational diseases. He, also, brought out the point that the commission was an independent agency and that the act had clearly provided that its decisions were final and could not be interfered with by any official of the government. The comptroller general therefore was clearly outside of his province when he attempted to interfere.

Another conference was held with President Harding, who said he was willing that the commissioners accept the Attorney General's opinion as final. The commission thereupon resumed its work, carrying it on as it had done before the interjection of this controversy.

Nevertheless, from time to time the comptroller general demanded the submission of cases for his review. The commission consistently refused these requests, calling his attention to the opinion of the Attorney General. This went on during 1923 and 1924 until finally the comptroller general cut off all of the appropriations of the commission, not only appropriations dealing with the payment of compensation, but the part also that was used for the salaries of the workers in the commission, as well as the salaries of the commissioners themselves. There was no redress from this action. The comptroller general can refuse to "O.K." any check coming from the Treasury. So the commissioners were forced, for the very protection of their claimants suffering accidents, in the strictest interpretation of the word, to submit to the comptroller's technical and arbitrary interpretation of the act and disallow cases dealing with occupational disease.

The commission brought clearly to the attention of the comptroller general, the untold suffering which would result from his ultimatum. It would mean the removal from hospitals of claimants that were dying from tuberculosis, lead poisoning and other diseases contracted in government employment and not only would it cause immediate death, but it would also prevent the cure of others, by taking from them the care absolutely necessary at this time. All of this was of no avail and the commission had to submit in order to obtain their appropriations and thus administer the act, even though in a limited way. Two deaths immediately resulted from this action forced upon the commission. We will never be

able to state how many deaths in the future will follow as an indirect result.

It should be noted that this decision came in the closing weeks of Congress, 1924, when it would be most difficult for the commission to get any action. It was the same story as that of the preceding year.

Nothing daunted, however, the commissioners went immediately to the chairman of the judiciary committee of the House, Congressman Graham of Pennsylvania. He, like Mr. Volstead before him, saw the seriousness of the entire situation and called a full meeting of the committee before which the commissioners appeared. Chairman Graham also requested the comptroller general to appear at the same time but he failed to do so. Instead he wrote a letter stating that it was all in the hands of Congress and he had nothing whatever to add. In spite of this letter he immediately afterward issued a statement without signature which he passed to the members of the House referring to the cases which we had submitted to him the year before, with misstatements, on his part, of the commission's action in regard to them. This anonymous statement, clearly the action of the comptroller general, fell into the hands of Chairman Graham who handled the incident so masterfully on the floor of the House, that it had a great deal to do, undoubtedly, with the quick passage of the amendment which the commission had introduced.

This amendment differed from the one introduced the year before in that it now carried teeth in it. It not only stated that "personal injury" covered occupational disease, but also stated that the commission's awards could not be reviewed by any official, accounting officer, or employee of the government, thus specifically protecting the commission from interference by the comptroller's office in the future.

When the amendment reached the Senate the comptroller general repeated his performance by sending his statement into the offices of the senators, but again without avail. His misstatements were promptly cleared away. The bill was passed by the Senate, with a very slight amendment which was promptly concurred in by the House since it in no way changed the meaning; it was signed by the President and became a law.

Thus after two years of hard battle, watched eagerly by the whole administration, as it pointed to a curtailment of certain of the

comptroller's activities in the future, the commission won out and is now interpreting the act as formerly.

It may be stated without qualification that a review of the findings of fact of the commission or commissioners under a workmen's compensation law by such an office as that of the comptroller general, would not be permitted in any English speaking country in the world. Congress has sustained the commission in holding that the questions arising under the federal compensation act, just as those arising under any other workmen's compensation act, cannot reasonably be compared with those that go to the comptroller general's office in connection with government contracts and business claims, payment of salaries or innumerable other administrative expenses. This commission has held and will always hold that the adjudication of claims under workmen's compensation acts is work of a special and peculiar character, which ought not to be dealt with in the same manner as ordinary business claims. That this is the proper basis for compensation law administration is evidenced by the action of forty-two states and many other English-speaking countries in creating boards, or commissions, or special agencies to adjudicate workmen's compensation claims. This is insisted upon chiefly because the main purpose of workmen's compensation laws is to provide a sure means by which immediate relief may be secured to employees when injured and that an equitable settlement of claims may be assured without delays and costs incident to the old methods of technical, legal procedure.

The amendment which this commission was able to get through in the last session of Congress made all of these questions clear. It has made the administration of the federal compensation act safe for the claimants coming to it for relief. It has protected the authorized commission from any technical and arbitrary construction of the law in the future by the comptroller general or any other official.

What this means to the nearly 600,000 civilian employees of the federal government all who are familiar with the benefits of workmen's compensation will understand. Cash benefits and medical care are now assured for the protection of themselves and their dependents whether the "accident" happens to be the bite of a disease germ or the bite of a cog-wheel.



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## United States Senator Pepper on Injunction in Labor Disputes

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Extracts from Address Before the American Bar  
Association at Philadelphia, July 8, 1924

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THE thing called picketing may \* \* \* be regarded as much more than an effort to persuade or intimidate non-union workers. It may be conceived of as the protective action of a great social group who feel outraged at what seems to them the betrayal of their class. In a community which so conceives of it, picketing is not a thing to be stopped by injunction. It is rather a thing to be domesticated along with the strike. \* \* \*

Our British friends have come to recognize peaceable picketing as a legitimate concomitant of a strike, but have trained the guns of their criminal procedure upon conduct which threatens breach of the peace or invasion of private right. What they have thus domesticated we still seek to enjoin.

When you mark this contrast you will be led to review our own industrial history during the last thirty-five years. You will begin with 1888 when a state court first issued an injunction in a labor case. You will pass to 1891 when the federal courts first entered this field. Then you will note the frequent recurrence of federal injunctions until to-day such injunctions have become a recognized exercise of the federal equity power. \* \* \*

I was led recently to make such a review of our industrial history by my desire to account for the growing bitterness of organized labor toward the federal courts. In the Senate one quickly becomes aware of the existence throughout the country of a sentiment on this subject which, if unchecked, may easily develop into a revolutionary sentiment. \* \* \*

As long as the enlightened sense of the community fails to recognize the difference between the self-protection of an industrial class and mere wanton conspiracy to injure property and business, just so long judges who have power in their hands are likely to use it when urged thereto by the owners of the property and the business or by the official representative of the government of which the judges are themselves a part. The problem is not primarily the problem of changing the point of view of federal judges, but of determining what the community attitude toward organized labor is going to be. \* \* \*

Respect for the courts is not the least valuable part of our English inheritance. Under such a system of government as ours the maintenance of well-nigh universal confidence in the judiciary is pretty nearly essential to national safety. Is it not worth our while to place elsewhere than upon our federal judges the burden of solving for us our legislative and executive problems?

To maintain such confidence must we not confine the courts to the sphere in which the creators of our constitutional system intended them to live and move and have their being?

## “Traditional Massachusetts”

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(EDITOR'S NOTE: A generation ago Massachusetts led the way in social legislation. That leadership has in a measure been lost. The expression “traditional Massachusetts” has come into use to distinguish the earlier social status of the state from the present backward tendencies.)

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BY a three to one vote, the people of Massachusetts on November 4 “instructed” their legislature against ratifying the child labor constitutional amendment. Writing on “Misinformed Massachusetts” in the *Survey*, Wiley H. Swift says: “I was with an automobile caravan in the campaign for the amendment for ten days in Massachusetts. The misunderstanding and misconceptions about the scope and purpose of the amendment were absolutely astounding. We met scores of voters who actually believed it was drafted for the purpose of stopping all work by all persons under eighteen years of age. Of course, this is preposterous, but the voter believed it to be true. \* \* \* The cotton manufacturers of the South have joined with the National Manufacturers Association to defeat the amendment and so far they are succeeding. There is money behind this group, millions of it. We could feel its weight in every community. The pamphlet of James A. Emery, general counsel of the National Association of Manufacturers, seems to be the text book of the opposition. From it the voters gathered that the amendment was conceived in Russia. President Coolidge’s support of the amendment should have been answer to that, but it was not. From it they gathered that the education of the child was to be regulated under the amendment. Any lawyer who takes care to investigate knows better than that, but the people are not lawyers and, wonderful to say, there were lawyers who were teaching just that.”

In six districts of Massachusetts a vote was taken in the November 4 election on the question of instructing the members of the legislature how to vote on non-contributory old age pension legislation. **The vote was overwhelmingly in favor of old age pensions—37,749 for to 16,925 against.** Despite this popular mandate, the announcement is made that the “yes” vote is **not** to be regarded as an instruction. All voters who failed to vote either way on the proposition must be counted as having voted “no,” according to the Massachusetts scheme.

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## "Pernicious Propaganda"

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By WILLIAM DRAPER LEWIS

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(EDITOR'S NOTE: There is a challenge to American citizenship in the following, taken from an article in the December number of *The American Child* by Dean Lewis, for nearly a score of years head of the law department of the University of Pennsylvania and director of the American Law Institute. In this article Dean Lewis refers to the tactics of the organized opposition to the child labor constitutional amendment in the recent campaign in Massachusetts as "a skillfully promoted piece of pernicious propaganda.")

"THE attempt to confuse the real issues involved in the adoption of the Child Labor Amendment by trying to frighten American people into the belief that under it Congress not only will try, but will succeed in regulating all education, is not only imputing a lack of integrity to Congress, but is an insult to the intelligence of the members of the Supreme Court. Those who make this kind of argument in attempting to defeat the amendment are really attempting to create in the American people a distrust of our form of government. Congress is being held up as composed of persons apparently eager to adopt the most absurd measures, while the judges of the Supreme Court are pictured as very likely to sanction unwarranted extensions of federal power by legal chicanery in the interpretation of plain language worthy the lowest pettifogger who ever disgraced the legal profession. \* \* \*

"What is being done by those who have during the last twenty years fought every effort of the states to protect children, is to attempt to becloud the issue, **to deceive the people by filling the channels of public information with misrepresentations.** Thus, another issue has been injected into the campaign. It is no longer merely a question of the facts pertaining to child labor and the successes and failures of state regulations, but **it is also to be determined whether the time has come when the wide dissemination of mis-statements by those personally interested in the defeat of a measure will be successful in fooling the American people.**"

# Legislatures in Regular Session in 1925

## with Dates of Meeting

	<i>Convenes</i>	
ALASKA .....	March	2
ARIZONA .....	January	12
ARKANSAS .....	January	12
CALIFORNIA .....	January	5
COLORADO .....	January	7
CONNECTICUT .....	January	7
DELAWARE .....	January	6
FLORIDA .....	April	7
GEORGIA .....	June	24
HAWAII .....	February	18
IDAHO .....	January	12
ILLINOIS .....	January	12
INDIANA .....	January	8
IOWA .....	January	12
KANSAS .....	January	13
MAINE .....	January	7
MASSACHUSETTS .....	January	7
MICHIGAN .....	January	7
MINNESOTA .....	January	6
MISSOURI .....	January	7
MONTANA .....	January	5
NEBRASKA .....	January	6
NEVADA .....	January	19
NEW HAMPSHIRE .....	January	7
NEW JERSEY .....	January	13
NEW MEXICO .....	January	13
NEW YORK .....	January	7
NORTH CAROLINA .....	January	7
NORTH DAKOTA .....	January	6
OHIO .....	January	5
OKLAHOMA .....	January	5
OREGON .....	January	12
PENNSYLVANIA .....	January	6
PORTO RICO .....	February	8
RHODE ISLAND .....	January	6
SOUTH CAROLINA .....	January	13
SOUTH DAKOTA .....	January	6
TENNESSEE .....	January	5
TEXAS .....	January	13
UTAH .....	January	12
VERMONT .....	January	7
WASHINGTON .....	January	7
WEST VIRGINIA .....	January	14
WISCONSIN .....	January	14
WYOMING .....	January	13



# International Labor Legislation

At the **INTERNATIONAL CONGRESS ON SOCIAL POLICY** held at Prague October 2-6, 1924—a world gathering promoted by the International Association for Labor Legislation and the International Association on Unemployment—there were present 1,100 delegates representing 28 nationalities. Action of the Congress, following spirited discussion, is expressed in the resolutions here summarized:

**A New Social Policy:** As a foreword to its resolutions on the eight-hour day, works councils and unemployment and migration, the Congress expresses the desire that the forces represented at the Prague meeting, "which must always act more and more together and must organize themselves, should help to realize in its entirety the program which was laid down at the Congress of Zurich in 1897 and which has been consecrated by the signatures of governments to the peace treaties." But looking ahead, the Congress "considers it its special duty to draw the attention of public opinion in all countries to the new problems of the future, which arise both from the organization of production and from the growing self-consciousness of the working class." To this end "a new Social Policy is put forward. It covers not only the protection of women and children and of the unfortunate wage-earners in backward countries but also the affirmation of the rights of the manual and intellectual producer in the system of production and in the general economic system. This policy aims at a definition and realization of those rights in all fields: in the regulation of labor, social insurance, emigration, etc. But it appears that as far as the eight-hour day, the participation of workmen in management and the prevention of unemployment are concerned certain definite measures might be studied and adopted immediately."

**The Eight-Hour Day:** The Congress unanimously adopted the following resolution which calls not only for the eight-hour day but also for one day of rest in seven—

Whereas the eight-hour day has had beneficial results from the point of view of the self-respect of the worker, of his health, his home life, general and technical education, and in assisting him to fulfill his civic and professional duties;

Whereas it has been demonstrated that, far from resulting inevitably in a diminished efficiency, the eight-hour day actually tends to increase efficiency, especially when accompanied by efficient industrial methods;

Whereas the social value of the eight-hour day is of such importance that political, economic or financial arguments should not be considered a justification of its abandonment in any country, thus endangering its general application and causing social conflicts;

The Congress, convinced that the best means of guaranteeing in all countries the maintenance of the eight-hour day is by obtaining an international agreement, calls for the immediate and unconditional ratification of the Washington Convention by all States Members of the International Labor Organization.

It further calls upon countries not members of that Organization to introduce legislation on similar lines.

The Congress recommends the extension of the eight-hour day to all workers by International Treaty with the necessary modifications as soon as the best means of its application have been worked out.

It also calls for the limitation of overtime, for the establishment of a weekly rest-day and of workers' holidays by International Conventions.

**Works Councils:** By a vote of 271 to 21 the Congress "welcomes the establishment of works councils in several European countries with very successful results;" declares that "these councils, if established in agreement with the trade unions, can guarantee the social rights of the workers and can introduce a new creative force into economic life;" and calls for "the setting up by law in all establishments of representative bodies of workers and salaried employees, taking national conditions into account, whose duty it would be in cooperation with the trade unions to supervise working conditions and to cooperate in establishing and maintaining working rules."

It is the opinion of the Congress that in addition to the creation of works councils, a special body, "whose composition and functions should be determined in accordance with the circumstances in each country," should be created without prejudice to the works councils to promote collaboration of workers' and employers' organizations on all important questions of social and economic policy.

**Unemployment and Migration:** A resolution adopted by a vote of 234 to 1 declares that the International Congress on Social Policy—

While continuing to emphasize the need for the development, with state assistance, in accordance with the Conventions and Recommendations of the International Labor Conference, of the measures already adopted in certain countries for dealing with unemployment crises, namely, the establishment of public employment exchanges, of institutions for vocational guidance, of unemployment insurance schemes and the necessary measures for a better distribution of public works over the different periods of the trade cycle.

Invites the partisans of social progress in all countries to promote the newer policy of preventing unemployment by calling on governments to adopt the necessary economic measures, in particular, those directed towards the stabilization of the general level of prices, in conformity with the resolutions adopted by the International Conference at Genoa for the economic reconstruction of Europe.

The Congress calls upon Governments to adopt suitable national measures and conclude international agreements with a view to facilitating such migration as is called for by the needs of the labor-market.

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PRIOR to the opening of the International Congress on Social Policy, the **International Association for Labor Legislation** held its twelfth general meeting. Discussion at this meeting centered mainly in the important question of amalgamating the various international groups with similar aims, and the Association adopted the principle of the formation of a single social policy group—which will mean reorganizing the existing separate international associations on Labor Legislation, on Social Insurance and on Unemployment into a single, unified body. At the same time the **International Association on Unemployment** held a meeting at which the same matter was considered. Whereupon the two associations met jointly and adopted a resolution creating a special committee to consider the details of establishing a single association.

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The managing committee of the **International Association on Unemployment** which met at Prague in advance of the International Congress on Social Policy with a view to defining the general lines

of a policy against unemployment, adopted the following **DECLARATION OF GENERAL PRINCIPLES**:

(1) Generalizing the application of unemployment insurance by making it compulsory; and the consideration of the suggestions of experts and the results of practical experience, with a view to securing stability of employment and production.

(2) The greatest possible combined effort

(a) to develop the economic efficiency of the individual by the improvement of education, both technical and general;

(b) by vocational guidance to direct labor into the various branches of production in accordance with the capabilities of the individual and the requirements of the labor market.

(3) The development of an adequate and permanent system of public employment exchanges, with cooperation between the systems of different countries.

(4) The provision of facilities for desirable migratory movements.

(5) The advance planning of public works, so that their execution may be concentrated on periods of industrial depression; rendering more plastic the budgetary regulations affecting public works, so that the necessary credits may be reserved for years of depression.

(6) The establishment in each country, and as far as possible on uniform lines, of full statistics, not only of the unemployed in each occupational category, but also of the production and consumption of the different kinds of goods by quantity and value, also of financial statistics, economic barometers, etc., relating to the labor market.

(7) The promotion of the application of all financial measures, public and private, for preventing fresh currency crises and for restoring greater stability of the foreign exchanges and ensuring stability of the general level of prices in each country by means of the control of credit.

(8) Instead of multiplying customs barriers in the pursuit of a chimerical national independence, the organization and facilitation of international trade based on cooperation between nations.

A resolution adopted by the managing committee of the **International Association on Unemployment** invites the director of the International Labor Office at Geneva "to take the necessary steps to ensure the development of statistical and other publications which are indispensable for an exact knowledge of the problems of migration and to bring about in that way the fulfillment of the necessary preliminary conditions for any satisfactory examination of the question."

It urges continued cooperation among all associations concerned with problems of migration. It expresses the desire that organized recruiting of foreign workers, which is "especially important for the good organization of the labor market," be studied by the Association, or the unified body which may replace it, with a view to ensuring effective organization of the movements of workers from country to country. It draws attention to the means for putting into force the Draft Conventions of the International Labor Conference "with a view to facilitating the use of employment exchanges by foreign workers and to ensure, in agreement with the governments the satisfactory coordination of the national employment exchange systems by the International Labor Office." Finally "it entrusts its officers with the task of preparing, after consultation with the national sections, a report on the best means of organizing recruiting and the placing of workers in employment in foreign countries under satisfactory conditions"—which report will be presented and discussed at the meeting of 1925.

The managing committee also requests consideration of the problem of unemployment among intellectual workers who have been dismissed because of the war, the economic crisis, or reconstruction schemes in the various countries.



**Public Employment Offices**, from new book of this title by Russell Sage Foundation, reviewed in this issue, page 327.



## Book Reviews and Notes

**Public Employment Offices.** BY SHELBY HARRISON in collaboration with BRADLEY BUELL, MARY LA DAME, LESLIE E. WOODCOCK, FREDERICK A. KING. *New York, Russell Sage Foundation, 1924. 685 pp.*—After five years, these five employees of the Sage Foundation, "who took part in the study through practically the whole period," in addition to an assistant field investigator, and a few others engaged for short periods, have brought forth painstakingly the most comprehensive collection of facts concerning the purpose, structure and methods of public employment offices. Proponents of this public service (1) seek the reduction of unemployment, (2) deplore the abuses of fee-charging agencies, (3) believe this service in the nature of the case should be free, (4) point out that non-public agencies do not cover the whole field, (5) believe public agencies are more likely to possess the important quality of industrial impartiality, and (6) recognize the need of a unified system truly national in scope. "The development of a national system of public employment bureaus," these latest researchers believe, offers "the greatest immediate promise."

The reader is then invited to consider problems which need to be faced and obstacles to be overcome. In April, 1923, there were in the United States 197 public employment offices in 175 cities in 39 states including the District of Columbia. Federal-state-local administration, rather than centralized control, is favored on account of "practical considerations"—meaning largely states rights. The same regard for "expediency" apparently did not weigh as heavily with the Sage Foundation in advocating the federal dollar-for-dollar subsidy, any extension of which President Coolidge has long declared will not meet his approval. Moreover, the Sage Foundation abandons both expediency and logic in proposing to take the federal employment service out of the Department of Labor where its control "has given rise to a storm of protest from employers." Administration by an independent board composed of secretaries of Commerce, Labor and Agriculture is regarded as "much the most feasible," although here again President Coolidge is committed against such make-shifts in administration, and the Labor department probably still cherishes a few ideas on departmental rights. This brings the proposal practically into line with the Nolan bill, generally favored by social workers before this latest investigation was undertaken. Now before Congress is a newer bill—proposing that we have still further investigation! But this book is far more intelligent than any report likely to be made by Congress on this subject. Once more, Congress should be encouraged to legislate.—J. B. A.

**Eye Hazards in Industrial Occupations.** By LOUIS RESNICK AND LEWIS H. CARRIS. *New York, National Committee for Prevention of Blindness, Inc., 1924. 247 p.*—A handbook for safety experts and industrial operators. Excellent print and illustrations, and non-technical presentation. Importance of changes in industrial process rather than mere safety guards is emphasized. Correction of vision is needed in fully half of eye accidents as well as for other forms of industrial safety work," and "workmen's compensation has been the greatest single force for industrial safety in America."

**The Labor Movement in a Government Industry.** *New York, George H. Doran & Co., 1924. 320 pp.*—A careful and intelligent study of the employment relations of civil service workers, based particularly on a detailed history of employee organizations in the postal service. The book presents an illuminating picture of conditions in an important activity of the United States Government. It should stimulate all students of social problems to a careful analysis of their thoughts and definition of terms relating to "government industries."

**Is Unemployment Inevitable?** *London, Macmillan & Co., Ltd., 1924. 388 pp.*—A continuation of the investigations embodied in "The Third Winter of Unemployment" of 1923 by a group of English industrialists and economists. It is in the form of a series of essays by eminent authorities for which the individual writers are alone responsible together with an introductory report which represents the view of the authors of the book. Their conclusion is optimistic as to the future of British industry.

**Representative Government in Industry.** By JAMES MYERS. *New York, Geo. H. Doran Co., 1924. 249 pp.*—A valuable treatise on practice and theory of workers' representation in industry written by a man of practical experience in the field who has faith in the gradual development of genuine industrial democracy.

**Economics of Fatigue and Unrest.** By P. SARGENT FLORENCE. *New York, Henry Holt and Co., 1924. 426 pp.*—Consists of three parts (1) a review of modern industrial conditions, (2) a thorough discussion of business costs of industrial inefficiency due to workers' fatigue and unrest, based quite largely upon experimental data, and (3) suggested methods of recording labor losses for use in future study.

**Labor Attitudes and Problems.** By W. E. ATKINS AND H. D. LASSWELL. *New York, Prentice Hall, Inc., 1924. 520 pp.*—Brings together much valuable information concerning conditions under which American workers live and earn a living and a sympathetic study of labor's reaction. It devotes 40 pages to a discussion of industrial accidents, sickness, old age and unemployment with various schemes for relief, including legislation. The last 200 pages consider unionism, political action and other activities directed toward social adjustment. The book is designed for use in college and contains much to stimulate thought and interest.

# Labor Legislation of 1924

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## 1. Analysis by Subjects and by States

THE labor laws enacted by the eleven states that held regular sessions, by those that held special sessions and by West Virginia and Arkansas whose 1923 session law volumes were not available for review last year, together with the labor laws enacted by the first session of the Sixty-eighth Congress, are summarized herewith by subjects and by states in alphabetical order, with chapter references to the session law volumes. (Session laws are not yet available from the Philippine Islands.)

### Miscellaneous Legislation

*Maryland.*—Memorial to Congress requests repeal of all laws authorizing federal appropriations to states making similar appropriations. (J.R. 20.)

*Mississippi.*—Age limit for compulsory school attendance raised from fourteen to sixteen years. (C. 283.)

*New Jersey.*—Act authorizing incorporation of credit unions limits membership to employees of a common employer. (C. 48.)

*Virginia.*—Employees in hotels, places of public entertainment, or any public conveyance are forbidden to procure or to give information for procuring ardent spirits for any person. Maximum penalty, \$50 fine or six months' imprisonment. (C. 407.)

### Individual Bargaining

#### 1. PAYMENT OF WAGES

*Kentucky.*—All employers of twenty or more persons shall redeem in legal tender at face value, at least once a month on a regular pay day, all script or other evidence of debt issued for labor and presented by any person or firm. All persons purchasing such script shall keep record of amount purchased, date, amount of payments, name of seller and of issuer of script and shall be entitled to sue issuer if payment is denied. (C. 71.)

*Louisiana.*—Failure to redeem script paid for labor is declared a misdemeanor. Maximum penalty, \$500 and ninety days' imprisonment. (C. 210.)

*Massachusetts.*—Casual employees, defined as those who have worked less than six days, in certain employments, shall be paid within seven days after termination of such period. Public employees are excepted. (C. 145.)

#### 2. MECHANICS' LIENS AND WAGE PREFERENCE

*Kentucky.*—Lien law is amended to cover labor furnished a lessee of oil, gas, or other mineral property and to provide for procedure in regard to same. (C. 69.)

*New Jersey.*—Act concerning district-courts is amended to include a provision for garnishment of wages. (C. 204.)

*Virginia.*—Mechanics' lien law amended to cover repairs on articles held as security for money, to provide procedure by which an owner or general contractor is made personally liable to persons furnishing labor or material, and in other particulars. (C. 413, 435 and 282.)

### 3. EMIGRATION AND IMMIGRATION.

*Maryland.*—Congress is urged to modify immigration law to facilitate admission of agricultural laborers. (J.R. 22 and 34.)

*United States.*—Immigration act replaces that of 1921 and extends but does not repeal laws of earlier date. Annual quota is made 2 per cent of the number of foreign-born of any nationality according to United States census of 1890, instead of 3 per cent according to census of 1910. Beginning with July 1, 1927, the total annual quota is to be 150,000, apportioned according to national origin of residents of the United States in 1920. Each immigrant before embarking must present to be visaed by a consular officer an application giving detailed information as to personal condition, history, and intentions. Maximum penalty for misrepresentation, \$10,000 fine and five years' imprisonment. Among additions to the non-quota list are students and wives of United States citizens. Preference is extended to immigrants skilled in agriculture. Aliens "ineligible to citizenship" are excluded. In entering the United States and in deportation proceedings, burden of proof falls upon an alien. Detention on shipboard of all alien seaman for examination by immigration official is made compulsory instead of upon written official order; penalty upon shipowner, \$1,000. (Public 139, 68th Congress, 1st Session.)

### 4. MISCELLANEOUS

*Arkansas.*—Maximum penalty for enticing away labor under contract raised from \$100 to \$500. (Act 34, Special Session, 1923.)

*Mississippi.*—Act forbidding interference with laborer or renter under contract adds that consent of employer must be in writing and that act applies to minors under contract made by parent or guardian. (C. 160.)

*New Jersey.*—Civil service law is amended, transferring employees of county park commissions to unclassified service, providing that employees rendering service to a particular county or municipality shall be paid from the funds thereof, and making other minor changes. (C. 120, 134 and 200.)

*New York.*—Opportunity of county employees within the city of New York to explain before removal from positions is extended to all public employees within the state and changed to a right to a written statement of reasons or charges and a reply in writing, both to be entered upon the records of the department or office to which the employee belongs and filed with the state civil service commission. (C. 612.)

*Virginia.*—Any person under contract to perform personal service at farm



labor who receives payment therefor and fraudulently refuses to carry out the contract is declared guilty of larceny. (C. 408.)

## Minimum Wage

### 1. PUBLIC WORK

*Maryland.*—Maryland members of Congress are requested to support bill raising compensation of postal employees. (J.R. 11.)

*United States.*—Salaries of employees of the legislative branch of government are fixed. (Public 136, 68th Congress, 1st session.)

## Collective Bargaining

### 1. TRADE UNIONS

*West Virginia.*—Trustees for labor unions are empowered to sell real estate under same regulations as trustees for churches and other organizations but labor unions are not thereby made corporations. (C. 33, Laws of 1923.)

## Hours

### 1. MAXIMUM HOURS

#### (1) PUBLIC WORK

*Massachusetts.*—The eight-hour day stipulation in contracts with laborers on public work is amended in several details, including provision for exception in cases of necessity in work upon highways. (C. 237.)

#### (2) PRIVATE EMPLOYMENT

*Mississippi.*—Hours in factories see p. 332.

*New York.*—Employment of males between sixteen and eighteen years of age is prohibited in factories between midnight and six, instead of four, o'clock in the morning. All limitations on working hours for males between sixteen and eighteen years of age in factories are extended to those working in mercantile establishments and in distribution or transmission of merchandise and articles, except delivery of newspapers, and except from the eighteenth to the twenty-fourth of December inclusive and two additional days for stock-taking. (C. 375.)

*Rhode Island.*—Maximum working time for minors under sixteen and all females is changed from ten hours per day and fifty-four hours per week to nine hours per day and forty-eight hours per week. (Owing to political differences in organizing the legislature, doubt has been raised as to whether this action is effective. Reference not available.)

### 2. REST PERIODS

#### (1) PUBLIC WORK

*Virginia.*—Requirement that state employees be relieved from duty at least two Sundays in each month adds provision that time so allowed shall not subsequently be made up. (C. 370.)

## Employment

### 1. PRIVATE EMPLOYMENT OFFICES

*Virginia*.—Any person engaged in hiring laborers or soliciting emigrants to be employed outside the state shall pay annually a license of \$5,000, in each county or city in which he operates. Penalty, \$100 to \$5,000, or imprisonment from one to twelve months. Certain Virginian contractors and labor unions are excepted from act. (C. 452.)

*West Virginia*.—License for labor agencies hiring laborers to be transported from the state raised from \$100 to \$250. Maximum penalty, \$500 and six months' imprisonment. (C. 36, Laws 1923.)

### 2. PUBLIC EMPLOYMENT OFFICES

*Virginia*.—A free employment bureau is created in charge of the commissioner of labor who is directed to establish such offices as he deems expedient, to make public information as to situations and nature of work, to adopt means to avoid unemployment and to investigate causes and remedies for the same with a view to further legislation. He is authorized to co-operate with local authorities in extending employment offices and vocational guidance for minors, and, with the advice of the governor, to enter into co-operative agreement with federal agencies for the purpose of securing financial aid from the United States government. The commissioner shall appoint one or more assistants as needed. An appropriation of \$2,500 a year is made. (C. 410.)

*West Virginia*.—Free employment bureau is empowered to co-operate with United States employment service. Expense not to exceed \$2,500 annually. (C. 49, Laws of 1923.)

### 3. PUBLIC WORKS

*Massachusetts*.—With a view to providing work for the unemployed, Fall River is authorized to borrow money in excess of the statutory limit for carrying on certain public work. Persons employed are not to be under civil service. (C. 494.)

## Safety and Health

### 1. PROHIBITION

#### (1) EXCLUSION OF PERSONS

*Arkansas*.—Child labor amendment to federal constitution ratified. (—, Special Session.)

*Georgia*.—Child labor amendment to federal constitution rejected. (G. N. 31.)

*Louisiana*.—Child labor amendment to federal constitution rejected. (H. C. R. No. 15.)

*Mississippi*.—Employment of children forbidden in any mill, cannery, workshop, factory or manufacturing establishment, instead of any cotton mill or knitting mill, but fruit and vegetable canneries are now excepted. Age limit of boys employed in such establishments raised from twelve to fourteen years,

and of those under hour restriction from fourteen to sixteen years. Weekly hour limit for children under sixteen years changed from forty-eight to forty-four hours and for all other employees from sixty to fifty-five hours. The sixty hour law applied to all employees in manufacturing and repairing and to women in certain occupations. (C. 314.)

*New York.*—A child over seven and under sixteen years of age who engages in any occupation which is in violation of law is declared delinquent. (C. 477.)

*North Carolina.*—Child labor amendment to federal constitution rejected. (Special Session.) Child labor law amended in regard to powers of child welfare commission to make exemptions to the minimum age of employment in certain occupations and in other minor details. (Special Session.)

## 2. REGULATION

### (1) FACTORIES, WORKSHOPS, AND MERCANTILE ESTABLISHMENTS

*Virginia.*—Certain sanitary arrangements are required in every establishment, instead of every factory, in which five or more persons are employed. (C. 432.)

### (2) MINES

*Virginia.*—Mine safety provisions are strengthened as to use of gasoline engines and electric power, ventilation, moving cars and other machinery and use of explosives and illuminating oils. Mine regulations are extended to cover all underground mines, instead of certain coal mines, and opening of new underground mines without notice to the department of mines is declared a misdemeanor punishable by fine of \$10 to \$500. (C. 476.)

### (3) TRANSPORTATION

*United States.*—Application of act forbidding use of unsafe locomotives in interstate commerce is restricted to continental United States and is amended in various details. The interstate commerce commission is empowered to appoint fifteen additional inspectors and to provide legal and technical help as needed. Limit of \$300,000 annual appropriation is repealed. (Public 277, 68th Congress, First Session.)

### (4) MISCELLANEOUS INDUSTRIES

*Louisiana.*—Safety rules for protection of employees in construction of buildings are revised. Application is extended from cities of 30,000 and more to those of 15,000 and more inhabitants. Hoisting of building material over unbarricaded streets is forbidden on structures of three or more, instead of five, stories. (C. 25.)

*New Jersey.*—Complete revision of the accident reporting law makes accidents reportable to the workmen's compensation bureau instead of to the labor commissioner; requires reports of all accidents of ten days' instead of two weeks' duration and also of all compensable occupational diseases, and provides for three reports, the first immediately after the accident—instead of within two weeks in cases of death and four weeks in disability, as formerly—the second within three weeks thereafter, and the third upon the termination of disability. The second report must contain agreement to care for case in accordance with the law, and the third must state nature and duration of

disability and compensation to be paid. The last two reports must be signed by both employer and employee unless latter's refusal to sign is recorded. Requesting or directing employees to sign reports not fully filled-out is declared unlawful. In the case of insured employers, the three reports required in all cases lasting over ten days are to be made to the bureau by the insurer, and in addition reports covering all accidents and compensable diseases regardless of duration must be made by the employer both to the insurer and to the bureau. All information requested by insurer must be supplied by employer. Medical reports on file must be furnished the bureau on request. In addition to former penalty, failure to make reports as required, if there is knowledge of injury, automatically waives time limit for filing claims or petitions for unpaid awards. (C. 187.)

*New York.*—Sanitary provisions governing mercantile establishments are extended to cover restaurants. (C. 466.)

## Social Insurance

### 1. INDUSTRIAL ACCIDENT INSURANCE

#### (1) WORKMEN'S COMPENSATION

##### (a) Acts Supplementary to Existing Laws

*Iowa.*—Funeral benefit is increased from \$100 to \$150. (See 1388, W. C. law, 1924.)

*Kentucky.*—Coverage is extended to operators of threshing machines, and to "injuries or death due to the inhalation in mines of noxious gases or smoke, commonly known as "bad air," or "to the inhalation of any kind of gas." In hernia cases requiring operation compensation is allowable during "actual disability following such operation" instead of being limited to twenty-six weeks. A minor employed on written certification that he is sixteen years old can no longer sue for damages but must accept compensation. Any medical director who accepts remuneration for any services under the act or its adjudication must be removed immediately. (C. 70.)

*Louisiana.*—Scale of compensation is raised from 60 per cent to 65 per cent and allowances to the widow and children in death cases proportionately increased. Weekly maximum is increased from \$18 to \$20. Period during which compensation is to be paid for loss of an arm is decreased from 200 to 175 weeks, while for loss of a leg it is increased from 175 to 200 weeks. (C. 216.) State charity hospitals are authorized to make appropriate charges for services rendered to patients coming under the employers' liability law. In suits to collect such charges the employer, or his insurer, is to be made co-defendant with the employee. Board of administrators of state charity hospitals is authorized to study abuse of their charity aid. (C. 126.) Appeals from decisions of the appellate court are made subject to the regulations prescribed by the Louisiana Code of Practice. (C. 21.)

*Maryland.*—Coverage is extended to salesmen, sales managers soliciting orders outside of the establishment, and the state militia on duty in peace time. (C. 583, 286 and 332.) Those earning over \$2,000 a year are no longer excluded. (C. 217.) Allowance for medical care is increased from \$300 to



\$500. (C. 364.) Instead of reporting defaulting employers to the attorney general monthly, the commission may report them "whenever necessary." (C. 341.)

*Massachusetts.*—Waiting period is abolished for all injuries causing incapacity of more than four weeks' duration. (C. 207.) In determining the basic wage upon which to compute compensation in the case of employees of the commonwealth who receive maintenance in addition to cash wages, the maintenance shall be included and considered equivalent to \$7 a week. (C. 434.)

*New Jersey.*—Compensation for minors employed illegally is doubled, and their common law rights are also preserved. (C. 159.) A brief list of occupational diseases is made compensable. (C. 124.) Failure to insure is made a misdemeanor—first offense, \$500; subsequent offenses, \$500 or thirty days or both. The former penalty was \$200 and costs to be collected in a civil action. Fines are to be credited to the rehabilitation commission. Contractors are made primarily liable for accident compensation due to employees of subcontractors. (C. 128.)

*New York.*—Industrial commissioner empowered to act as referee. (C. 59.) Waiting period reduced from fourteen to seven days. (C. 318.) Wage basis for computing compensation increased from \$125 to \$150. (C. 319.) All employment by the state, instead of only certain enumerated employments, is covered. (C. 658.) Periods during which compensation may be allowed is increased: in case of an eye, from 128 to 160 weeks; and in case of a thumb, from 60 to 75 weeks. (C. 317 and 320.) Additional compensation is allowed for permanent partial disabilities causing prolonged temporary total disability. (C. 500.) For benefits to public employees accidentally injured see page 336.

*Virginia.*—Minors illegally employed are given choice of collecting compensation or suing at common law. Minimum compensation increased from \$5 to \$6 a week. Compensation provided for loss of hearing and for marked disfigurement of head or face. Burial allowance increased, in cases where there are no dependents, from \$100 to \$150. Appeals from the commission's decisions may be made direct to the supreme court of appeals. Certain administrative defects are corrected. (C. 318.)

*United States.*—The word "injury" is so defined as to make it clear that it includes occupational diseases. The word "compensation" is also defined to make it clearly include other benefits beside the money allowance. To settle a long standing controversy between the commission and the comptroller of the treasury, the commission's findings of fact—in the absence of fraud or mathematical mistake—are made non-reviewable. (Public 196, 68th Congress, 1st session.)

### (b) Vocational Rehabilitation

*Maryland.*—Governor is directed to name a commission to investigate and report condition of persons disabled in industry and to recommend measures for rehabilitation. (J. R. 27.)

*Mississippi.*—Federal vocational rehabilitation act accepted and its administration assigned to already established state board. (C. 283.)

*United States.*—Appropriation of \$1,000,000 annually to carry on the work of vocational rehabilitation is authorized for the three years ending June 30,

1927. (Public 200, 68th Congress, 1st session.) But this appropriation was included in the deficiency bill which failed to pass. Benefits of the vocational rehabilitation act are extended to Hawaii. (Public 35, 68th Congress, 1st session.)

## 2. OLD AGE PENSIONS.

*Maryland.*—Employees of the Maryland house of correction and the penitentiary are made eligible to a retirement pension, at the discretion of the board of welfare. (C. 408.)

*Massachusetts.*—Eligibility to retirement system extended to certain old employees in the service. (C. 264.)

*New Jersey.*—Subject to local referendum, benefits of state employees' retirement system are extended to county and municipal employees. Membership is compulsory except for present employees. (C. 261.) Service requirement for automatic inclusion of manual workers in state employees' retirement system is raised from six months to one year for future appointees. (C. 170.)

*New York.*—Conditions are defined for entry of county and municipal employees into the retirement system after certain future dates. (C. 48.) Membership relative to classified and unclassified service is redefined. Benefits and privileges under the law are extended. (C. 618.) A member of the retirement system incapacitated by accidental injury sustained in service is granted a retirement allowance composed of three-fourths of his final average salary and the actuarial equivalent of his accumulated contributions to the fund. (C. 619.) Employees in state prisons and reformatories are enabled to join the general retirement system on or before September 1, 1924, notwithstanding title to benefits under prior pension systems. (C. 620.)

## 3. HEALTH INSURANCE AND GENERAL SOCIAL INSURANCE

### (1) MATERNITY

*Louisiana.*—Sheppard-Towner maternity act accepted and its administration assigned to the bureau of child hygiene. (C. 98.)

*United States.*—Benefits of Sheppard-Towner act extended to Hawaii. (Public 35, 68th Congress, 1st session.)

### (2) MISCELLANEOUS

*New Jersey.*—Governing bodies of municipalities and counties are empowered, upon individual petition of public employees participating in group forms of life insurance, to deduct from their salaries for payment of premiums on such insurance and to pay them as additional compensation a part of such premiums not to exceed 25 per cent. (C. 70.)

*New York.*—Five hundred or more employees of a manufacturing or industrial corporation, having at least 3,000 employees, may organize a mutual benefit association, provided the employer agrees to contribute one-fifth of the benefits. Members must be eighteen years of age or over. Benefits may be for sickness,

disability, or death. Minimum death benefit must be \$500. Supervisory powers are in the state superintendent of insurance. (C. 548.)

## Administration

*Arkansas.*—Supplemental appropriation of \$3,600 added to regular annual one of \$1,000 for support of free employment bureau for 1924. (Act 47, Special Session, 1923.)

*Kentucky.*—A chief labor inspector, under the commissioner of agriculture, labor and statistics, is to have complete charge of the department of labor. Chief, at salary of \$3,000, and four deputies, at \$1,600, are to be appointed for period of four years, from lists established by competitive examinations held by the commissioner, the state sanitary engineer, and the head of the engineering department of the University of Kentucky. Removal from office by commissioner, with right of appeal to governor, to be only on charges of incompetency or gross misconduct, filed as public record with secretary of state. Duties of department include administration and enforcement of all laws regulating employment of labor. Inspectors are to be furnished with copies of all laws and rulings respecting sanitary conditions and fire protection and are to report all violations to proper authorities. Complete and permanent records of investigations to be kept and full report of activities made by department biennially to legislature. Employers are required to file with department legal name of firm, agent, and address within one month of occupancy of place of business. (C. 68.)

*Massachusetts.*—Appropriation of \$20,000 is made for commission investigating problem of old age and other pensions as authorized by resolve of 1923. (C. 126 and 510.)

*New York.*—An industrial council, similar to the one abolished in 1921, is created. The chairman is the industrial commissioner, instead of any person not a member elected by the council. The vice-chairman is the chairman of the industrial board. (C. 464.) Division of industrial hygiene expanded. Personnel more than doubled and appropriation raised from \$21,740 to \$54,300. (C. 140.)

*South Carolina.*—Maximum penalty of \$100 fine and thirty days' imprisonment provided for failure of manufacturer to file required schedule with commissioner of industries. (C. 659.)

*Virginia.*—Bureau of labor and industrial statistics is continued under the name of bureau of labor and industry. (C. 23.)

*West Virginia.*—Appropriation for labor department raised from \$19,500 in 1921 to \$38,600. Salaries of factory inspectors raised from \$7,200 for four to \$14,400 for six. Traveling expenses for commissioner and inspectors raised from \$7,500 to \$12,000. New appropriation of \$2,500 made for free employment bureau. (C. 147, Laws of 1923.)



## II. Topical Index by States

THE labor laws enacted by the eleven states which held regular sessions, by those that held special sessions, and by West Virginia and Arkansas whose 1923 session law volumes were not available for review last year, together with the labor laws enacted by the first session of the Sixty-eighth Congress, are indexed herewith by states in alphabetical order with chapter and page references to the session law volumes. (Session laws are not yet available from the Philippine Islands.) The figures in heavier type, outside the parentheses, refer to pages in this REVIEW.

### ARKANSAS

(Special Session 1923.)

See also p. 339 December 1923 Review

*Individual Bargaining*: penalty for enticing away labor increased (Act 34, p. 186), p. 330.

*Administration*: appropriation for free employment bureau increased (Act 47, p. 217), p. 337.

### ARKANSAS

(Two special sessions 1924.)

Session law volume not yet available. Advance information indicates the following action.

*Safety and Health*: child labor amendment to federal constitution was ratified, p. 332.

### GEORGIA

*Safety and Health*: federal child labor amendment rejected (G. N. 31, p. 827), p. 332.

### IOWA

(Special Session 1923, 1924.)

Some laws not yet available.

*Social Insurance*: workmen's compensation act amended and recodified (Sec. 1388, workmen's compensation law, 1924, p. 11), p. 334.

### KENTUCKY

*Individual Bargaining*: redemption of script regulated (C. 71, p. 179), p. 329; lien law amended (C. 69, p. 166), p. 329.

*Social Insurance*: workmen's compensation law amended (C. 70, p. 171), p. 334; act providing for bureau of labor amended (C. 68, p. 160), p. 337.

### LOUISIANA

*Individual Bargaining*: law regulating redemption of script amended (C. 210, p. 388), p. 329.

*Safety and Health*: federal child labor amendment rejected (H. C. R. No. 15), p. 332; safety regulations in construction of buildings amended (C. 25, p. 33), p. 333.

*Social Insurance*: workmen's compensation law amended (C. 216, p. 398, C. 126, p. 193 and C. 21, p. 30), p. 334; Sheppard-Towner act accepted (C. 98, p. 153), p. 336.

### MARYLAND

*Miscellaneous*: Congress memorialized regarding federal appropriations for states (J. R. 20, p. 1523), p. 329.

*Individual Bargaining*: Congress requested to modify immigration laws (J. R. 22, p. 1527 and J. R. 34, p. 1538), p. 330.

*Minimum Wage*: Congress requested to support wage increase for postal employees (J. R. 11, p. 1517), p. 331.

*Social Insurance*: workmen's compensation law amended (C. 583, p. 1461, C. 286, p. 844, C. 332, p. 915, C. 217, p. 724, C. 364, p. 950, C. 341, p. 924), p. 335; governor to appoint a commission to report on rehabilitation (J. R. 27, p. 1531), p. 335; employees of penal institutions made eligible to retirement pensions (C. 408, p. 1076), p. 336.



## MASSACHUSETTS

- Individual Bargaining*: law regulating payment of wages to casual public employees amended (C. 145, p. 143), p. 329.  
*Hours*: eight-hour day stipulation in contracts for public works amended (C. 237, p. 222), p. 331.  
*Employment*: Fall River authorized to borrow money for public work for unemployed (C. 494), p. 550), p. 332.  
*Social Insurance*: workmen's compensation law amended (C. 207, p. 180 and C. 434, p. 98), p. 335; certain public employees made eligible to retirement system (C. 264, p. 246), p. 336.  
*Administration*: appropriation for commission to investigate old age pensions (C. 126, p. 83 and C. 510, p. 566), p. 337.

## MISSISSIPPI

- Miscellaneous*: age limit for compulsory school attendance raised (C. 283, p. 412), p. 329.  
*Individual Bargaining*: act forbidding interference with labor under contract amended (C. 160, p. 213), p. 330.  
*Hours*: law fixing maximum working hours in factories amended (C. 314, p. 541), p. 331.  
*Safety and Health*: child labor law amended (C. 314, p. 541), p. 332.  
*Social Insurance*: federal vocational rehabilitation act accepted (C. 283, p. 412), p. 336.

## MONTANA

- (Special Session.)  
 No labor legislation.

## NEW JERSEY

- Miscellaneous*: credit union law limits membership to employees of a common employer (C. 48, p. 89), p. 329.  
*Individual Bargaining*: garnishment law amended (C. 204, p. 429), p. 330; civil service law amended (C. 120, p. 225, C. 134, p. 300, and C. 200, p. 423), p. 330.  
*Safety and Health*: accident reporting law amended (C. 187, p. 401), p. 333.  
*Social Insurance*: workmen's compensation law amended C. 159, p. 359, C. 124, p. 230, and C. 128, p. 244), p. 335; state retirement law amended (C. 261, p. 674, and C. 170, p. 381), p. 336; law regulating group insurance amended (C. 70, p. 138), p. 336.

## NEW YORK

- Individual Bargaining*: civil service law amended (C. 612, p. 1129), p. 330.  
*Hours*: child labor law amended (C. 375, p. 717), p. 331.  
*Safety and Health*: child engaged in illegal occupation delinquent (C. 477, p. 886), p. 333; sanitary regulations for restaurants required (C. 466, p. 870), p. 334.  
*Social Insurance*: workmen's compensation law amended (C. 59, p. 94, C. 318, p. 586, C. 319, p. 587, C. 658, p. 1210, C. 317, p. 586, C. 320, p. 588, and C. 500, p. 919), p. 335; state retirement system provides pension for accidental injury (C. 619, p. 1149), p. 336; state employees' retirement law amended (C. 48, p. 77, C. 618, p. 1146, C. 619, p. 1149, and C. 620, p. 1153), p. 336; regulations for mutual benefit associations provided (C. 548, p. 989), p. 337.  
*Administration*: industrial council reestablished (C. 464, p. 869, p. 337; division of industrial hygiene expanded (C. 140, p. 224), p. 337; industrial commissioner empowered to act as referee (C. 59, p. 94), p. 335.

## NORTH CAROLINA

- (Special Session.)  
 Session law volume not yet available. Advance information indicates the following legislation.

*Safety and Health:* child labor law amended p. 333; federal child labor amendment rejected, p. 333.

## OKLAHOMA

(Special Session.)

No labor legislation.

## RHODE ISLAND

Session laws not yet available. (Owing to political differences in organizing the legislature, doubt has been raised as to whether following action is effective.)

*Hours:* nine-hour law for women and minors passed, p. 331.

## SOUTH CAROLINA

*Administration:* penalty provided for failure to file required schedule (C. 659, p. 1096), p. 337.

## PORTO RICO

(Special Session.)

No labor legislation.

## PHILIPPINES

Session law volume not yet available.

## VIRGINIA

*Miscellaneous:* employees in public hotels forbidden to aid in obtaining ardent spirits (C. 407, p. 593), p. 329.

*Individual Bargaining:* mechanics' lien law amended (C. 413, p. 638, C. 435, p. 658, and C. 282, p. 413), p. 330; contract law for farm labor provided (C. 408, p. 635), p. 330.

*Hours:* rest periods for public employees required (C. 370, p. 533), p. 331.

*Employment:* license for agencies soliciting labor to leave the state made prohibitive (C. 452, p. 679), p. 332; free employment bureau established (C. 410, p. 635), p. 332.

*Safety and Health:* sanitary requirements in places of employment increased (C. 432, p. 656), p. 333; mine safety law amended (C. 476, p. 759), p. 333.

*Social Insurance:* workmen's compensation law amended (C. 318, p. 478), p. 335.

*Administration:* name of bureau of labor changed to bureau of labor and industry (C. 23, p. 30), p. 337.

## WEST VIRGINIA

Laws of 1923. See also p. 354 in December 1923 Review.

*Collective Bargaining:* trustees for labor unions empowered to sell real estate (C. 33, p. 112), p. 331.

*Employment:* license for labor agencies increased (C. 36, p. 115), p. 332; public employment bureau established (C. 49, p. 153), p. 332.

*Administration:* appropriations for labor department increased (C. 147, p. 505), p. 337.

## UNITED STATES

*Individual Bargaining:* immigration law re-enacted (Public 139, 68th Congress, 1st session), p. 330.

*Minimum Wage:* salaries of certain employees fixed (Public 136, 68th Congress, 1st session), p. 331.

*Safety and Health:* law as to safety in interstate commerce amended (Public 277, 68th Congress, 1st session), p. 333.

*Social Insurance:* workmen's compensation law for federal employees amended (Public 196, 68th Congress, 1st session), p. 335; appropriation for vocational rehabilitation authorized (Public 200, 68th Congress, 1st session), p. 336; benefits of Sheppard-Towner and vocational rehabilitation acts extended to Hawaii (Public 35, 68th Congress, 1st session), p. 336.